

**EASTERN INTERIOR ALASKA  
SUBSISTENCE REGIONAL ADVISORY COUNCIL**

**PUBLIC MEETING**

February 3rd, 1994  
Regency Fairbanks Hotel  
Ambassador Room  
9:00 o'clock a.m.  
Fairbanks, Alaska

**COUNCIL MEMBERS PRESENT:**

**LEE A. TITUS, CHAIRMAN**  
**JEFFREY A. ROACH, VICE CHAIRMAN**  
**JAMES E. GUSTAFSON, SECRETARY**  
**CHARLIE TITUS, JR., MEMBER**  
**MICHAEL A. PEARSON, MEMBER**  
**SELINA PETRUSKA, MEMBER**

**David James, Coordinator**

**R & R COURT REPORTERS**

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

P R O C E E D I N G S

1  
2 MR. LEE TITUS: I'd like to welcome the guests to our  
3 second Regional Council meeting. At this time, I'll ask the  
4 Secretary to give the roll call.  
5  
6 MR. GUSTAFSON: Okay. I don't know how you do this,  
7 But just answer by saying "here." Lee A. Titus.  
8  
9 MR. LEE TITUS: Here.  
10  
11 MR. GUSTAFSON: Jeffrey A. Roach.  
12  
13 MR. ROACH: Here.  
14  
15 MR. GUSTAFSON: James Gustafson. Here. Selina  
16 Petruska?  
17  
18 MS. PETRUSKA: Here.  
19  
20 MR. GUSTAFSON: Charlie Titus, Jr.  
21  
22 MR. CHARLIE TITUS: Here.  
23  
24 MR. GUSTAFSON: Bruce Thomas. Not here. Bill Fliris.  
25 Michael Pearson.  
26  
27 MR. PEARSON: Here.  
28  
29 MR. GUSTAFSON: Clifford Adams, Jr. And....  
30  
31 MR. JAMES: And me. That's it.  
32  
33 MR. GUSTAFSON: Yeah, and our Regional Advisory Council  
34 Coordinator.  
35  
36 MR. LEE TITUS: Absent the three members, we have  
37 established a quorum. Next item on the agenda is the adoption  
38 of the agenda. If there's any additions that anybody wants to  
39 add to the agenda or discuss the agenda before adopting?  
40  
41 MR. JAMES: Mr. Chair?  
42  
43 MR. LEE TITUS: Yes?  
44  
45 MR. JAMES: I would be willing to provide a few brief  
46 words of introduction that may serve for some orientation for  
47 the meeting.  
48  
49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. LEE TITUS: Okay.

1  
2 MR. JAMES: I suggest that it would be before you start  
3A) under "Old Business."

4  
5 MR. LEE TITUS: Okay. Any more? Does everybody have a  
6 copy of the minutes? I mean, not the minutes, but the agenda.  
7 David?

8  
9 MR. JAMES: The agendas are in the notebooks in front  
10 of you. They're under Section 1.

11  
12 MR. LEE TITUS: Yes.

13  
14 MR. JAMES: So, everybody should have one.

15  
16 MR. PEARSON: Mr. Chairman, I make the motion that we  
17 adopt the agenda.

18  
19 MR. ROACH: I'll second that motion.

20  
21 MR. LEE TITUS: The motion has been made and seconded  
22 adopt the agenda. All in favor, signify by saying aye.

23  
24 ALL MEMBERS: Aye.

25  
26 MR. LEE TITUS: Opposed? (Pause) We have the agenda.  
27 Okay. Under "Old Business," David James.

28  
29 MR. JAMES: Thank you, Mr. Chair, and good morning  
30 members of the Council and the audience. Welcome to the second  
31 meeting of the Eastern Interior Alaska Subsistence Regional  
32 Advisory Council. This Council along with nine other regional  
33 councils is part of an administrative structure that was  
34 established by the Alaska National Interest Lands Conservation  
35 Act to insure that rural subsistence users have a meaningful  
36 role in the management of fish and wildlife and subsistence  
37 uses on Federal Public Lands in Alaska.

38  
39 The Chair of this Council, along with nine other  
40 regional council chairs and one representative from the State  
41 of Alaska, serves as a liaison to the chair of the Federal  
42 Subsistence Board. The regional councils are the primary,  
43 although not exclusive, means by which public opinion can  
44 influence the decisions of the Federal Subsistence Board. One  
45 of the legal mandates under which the council operates is to  
46 provide a public forum for the discussion of subsistence uses.  
47 Therefore, although the purpose of this meeting is primarily  
48 to take action on regulatory proposals and other issues listed

49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

on the agenda, public testimony on other subsistence issues will be allowed as time permits. Although public testimony is listed only twice on the agenda, it will not be restricted to only those times. Normally, public testimony on any particular subject is encouraged at the time that the Council is reviewing that subject. However, the Council does have an obligation within reason to allow testimony at other times in order to accommodate those who cannot stay for the entire meeting. Council does reserve the right to place a time limit on testimony when necessary.

10

11 Also, I'd like to point out to everyone that the room  
12 that's immediately to the left outside here is available.  
13 There's a coat rack there and a bathroom. So, it's room  
14 15, I believe. Thank you.

15

16 MR. LEE TITUS: Thank you, David. In addition to  
17 the -- about the public comments, there's a form there, if  
18 there's anybody that would like to make a public comment on any  
19 of the issues that we're going to be discussing at this meeting  
20 either today or tomorrow, to fill out a form there so your name  
21 will be on the list to make public testimony.

22

23 Approval of the October 7th meeting. Everybody have a  
24 chance to read the minutes of our last meeting?

25

26 MR. PEARSON: Mr. Chairman?

27

28 MR. LEE TITUS: Yes?

29

30 MR. PEARSON: On page 9 under "Local Advisory  
31 Committees," number 2 there, I don't remember the words per  
32 word of the meeting, but where it says, "Most areas currently  
33 represented by a Fish and Game Advisory Committee," I think it  
34 should reflect "Most areas currently represented by State Fish  
35 and Game Advisory Committee" just to eliminate any confusion.

36

37 MR. LEE TITUS: Under the "Local Advisory Committees"?

38

39 MR. PEARSON: Um-hum (affirmative).

40

41 MR. LEE TITUS: Number....

42

43 MR. PEARSON: Numeral two there.

44

45 MR. LEE TITUS: Number 2?

46

47 MR. PEARSON: Yeah. "Most areas currently represented  
48 by a..." and I think it should reflect State Fish and Game

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

Advisory, just so it'll eliminate confusion. But I wouldn't suggest maybe rewriting the whole minutes just for that, but make just an amendment.

3

4

5 MR. LEE TITUS: Which page?

6

7 MR. PEARSON: Page 9.

8

9 MR. JAMES: Mr. Chair?

10

11 MR. LEE TITUS: Yes?

12

13 MR. JAMES: The copy machine was on the blitz and some  
14 pages don't have numbers on them. So, Mike, if you could  
15 describe that more thoroughly.

16

17 MR. PEARSON: What Roman numeral is that there?

18

19 MR. LEE TITUS: I don't know.

20

21 MR. JAMES: Fifteen.

22

23 MR. PEARSON: Yeah, No. 15 there under "Local Advisory  
24 Committees."

25

26 MR. JAMES: Item number?

27

28 MR. PEARSON: Yeah, it'd be item number, I guess, A-2.  
29 And what I was just pointing out was "Most areas currently  
30 represented by a..." and it says "a Fish and Game Advisory  
31 Committee," and I'd just like to insert maybe the word "State"  
32 here. But I'd be willing to approve the minutes without that;  
33 just a note to the Council.

34

35 MR. LEE TITUS: I think all the other....

36

37 MR. PEARSON: Yeah, on down below it mentions State.

38

39 MR. LEE TITUS: All the rest of the numbers, it all  
40 mentions....

41

42 MR. PEARSON: Yeah.

43

44 MR. LEE TITUS: I mean, it all clarifies it if he goes  
45 reading further. But if you want to -- you say you want to  
46 add State Fish and -- you want to put that in formally?

47

48 MR. PEARSON: I'd be willing to approve the minutes

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

without that. I just wanted to bring that to the attention....

1

2 MR. LEE TITUS: All right. Entertain the motion to  
adopt the minutes of our last meeting?

4

5

6 MR. ROACH: I'll make a motion that we adopt it,  
minutes of the last meeting as read.

8

9 MR. CHARLIE TITUS: I'll second the motion.

10

11 MR. LEE TITUS: The motion has been seconded to adopt  
the minutes of the last meeting. Any questions? Hearing none,  
all in favor, signify by saying aye.

14

15 ALL MEMBERS: Aye.

16

17 MR. LEE TITUS: Opposed? (Pause.) Okay. We're under  
them -- the correspondence from our last meeting. We're going  
to go through the candidates for the Denali and the Wrangell-  
St. Elias Park. As you all recall at our last meeting, we  
didn't have enough names. Not enough information was sent out  
to these different -- by the Wrangell-St. Elias and Denali to  
local residents, so we'd kind of like didn't make the decision  
choosing the commissioner until we got more names. And if  
you look in your booklets, there's names of some....

26

27 MR. PEARSON: Under Section 3, Mr. Chairman, I'd also  
like to comment. I think that Mr. James did an excellent job  
in gathering some information for us here and we can make a  
good decision at this meeting, where the last time we were  
inadequate.

32

33 MR. LEE TITUS: Okay. David, these names are John  
Sarr, Pat O'Connor, Miki Collins, Paul Farmer, Jack Hayden,  
Walter Naystack, and Ray Wildrick. Were they all sent a  
letter?

37

38 MR. JAMES: Mr. Chair, yes, they were. They were all  
sent a letter to indicate to them that you were soliciting  
names for a selection. And that letter is in that same  
section.

42

43 MR. LEE TITUS: Right. Okay.

44

45 MR. JAMES: Okay?

46

47 MR. LEE TITUS: I just wanted to clarify that, that  
they were all notified. And only two responded?

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. JAMES: That's correct. So far, there have been  
2 only two responses expressing an interest to serve on the  
3 Denali SRC.

4  
5 MR. CHARLIE TITUS: Mr. Chairman?

6  
7  
8 MR. LEE TITUS: Yes?

9  
10 MR. CHARLIE TITUS: I have a question about a  
11 candidate. John A. Starr. Is that Paul Starr? The one John  
12 Starr, and I don't think he traps in....

13  
14 MR. JAMES: Mr. Chair, I would like -- I suggest that  
15 you request Hollis Twitchell to come forward with the Denali  
16 Park Service staff. I think he could facilitate this  
17 discussion.

18  
19 MR. LEE TITUS: Okay.

20  
21 MR. HOLLIS TWITCHELL: Good morning. My name is Hollis  
22 Twitchell with Denali National Park. What was the question?

23  
24 MR. CHARLIE TITUS: I was questioning John A. Starr. I  
25 would like to know who this person is, because I know Paul  
26 Starr and his family live out in Minchumina, in that area and  
27 they trap out there. But John Starr, if that's the John Starr  
28 I know, I didn't know Paul's name was John. Unless that's  
29 Allie. Allie Starr, Jr.

30  
31 MR. TWITCHELL: The Paul Starr and his brother are the  
32 only Starrs that have applied for a subsistence use permit for  
33 using Denali lands. So, those would be the two descendants of  
34 the elder Starr.

35  
36 MR. CHARLIE TITUS: Why do we have John Starr on the  
37 list of candidates?

38  
39 MR. JAMES: Mr. Chair, the reason these names are on  
40 this list is because they potentially fill the requirements to  
41 serve on the SRC. One is that they have to serve on an  
42 advisory committee or the council. So, these names come from  
43 the advisory committee list and in some cases it was not -- we  
44 didn't know for certain, you know, that they'd fulfill the  
45 other requirement which is that they be an active user of park  
46 resources, subsistence resources.

47  
48 MR. CHARLIE TITUS: But that person, I know he lives  
49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

over -- he traps in that area, but this is a John Starr I don't know.

2

3 MR. JAMES: Yeah. I simply don't know if he goes by  
~~Paul~~, if that's what you're asking. I just don't know. I  
 5 thought Hollis might have some idea.

6

7 MR. TWITCHELL: When I spoke with Paul Starr, that was  
 8 the name that he went by. He applied under a Paul Starr.

9

10 MR. CHARLIE TITUS: Do you know who John Starr -- if  
 11 that was the John Starr that I know.

12

13 MR. JAMES: Is he?

14

15 MR. CHARLIE TITUS: Huh?

16

17 MR. LEE TITUS: Is he?

18

19 MR. CHARLIE TITUS: No, he doesn't go by John Starr I  
 20 don't think.

21

22 MR. LEE TITUS: Who?

23

24 MR. CHARLIE TITUS: Paul.

25

26 General laughter.)

27

28 MR. CHARLIE TITUS: If this is John Starr, Jr. from  
 29 Tanana -- I'm not sure who this person is. I know of....

30

31 MR. TWITCHELL: Paul Starr does live in Tanana.

32

33 MR. CHARLIE TITUS: Right. But there's a....

34

35 MR. LEE TITUS: So does John.

36

37 MR. CHARLIE TITUS: Right.

38

39 MR. TWITCHELL: Yes.

40

41 MR. LEE TITUS: Are you saying there's more than one  
 42 John?

43

44 MR. CHARLIE TITUS: No, there's just one John in  
 45 Tanana, but there's another John Starr that lives in Fairbanks.  
 46 I was just wondering how his name got on there. I guess it  
 47 was submitted by Tanana.

48

49

50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515



MR. JAMES: I obtained this name from a list of the current Fish and Game Advisory Committee members that came to me from the Department of Fish and Game. It's the most current list that they have. So, that was the name and the address and I haven't received any reply to that.

MR. LEE TITUS: He's sitting on the -- what advisory committee would that be?

MR. JAMES: Tanana/Rampart/Manley, I believe. Yeah.

MR. PEARSON: Mr. Chairman, maybe you could get Mr. David James, the coordinator, to run over those qualifications for them to be qualified to sit on these SRC seats.

MR. LEE TITUS: Okay.

MR. JAMES: Mr. Chair, I will defer to Hollis Twitchell who knows more about it than I do.

MR. TWITCHELL: One of the requirements is that the appointee be either a member of the Federal Regional Advisory Council or a member of a local Fish and Game advisory committee. That's the first requirement for an appointee to a Subsistence Resource Commission. The second requirement is that that individual needs to be a current subsistence user of the Park area that they're going to be appointed to. So, those would be the two requirements. To be a qualified subsistence user, a person would either need to live in one of the identified resident zones that are set aside for each park area.

In the case of Denali, that would be the community of Gantwell, Lake Minchumina, Telida, and Nikolai. For individuals who don't live within those resident zones, there is a permitting process that allows an individual to be permitted as a subsistence user. And the names that you have before you are names of individuals who either live in resident zones or are 1344 subsistence use permittee, with the exception of that John Starr that you were referring to, has never contacted the Park or applied for a subsistence use permit. So, although he serves on a local Fish and Game advisory committee, he's not recognized as a current subsistence user for Denali.

MR. LEE TITUS: So what I have problems clarifying is that there's names that -- these names here, like they're

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

qualified, and then you get into more details about qualifications. And then one, two, three, four, five, six, seven. How many of these seven names meets all the requirements? Like you said, the first one, he didn't have a subsistence permit. How many of these people have a subsistence permits?

6

7 MR. TWITCHELL: Every one of those individuals listed are eligible except for John Starr. I don't know why the letter was sent out to him, because he's not a current subsistence user. Maybe there was some confusion between the other Starrs that are listed on that list.

12

13 MR. JAMES: Mr. Chair, the reason I sent a letter to John Starr was I wanted to make a broad a list as possible and I thought there was the possibility that, in fact, John Starr would qualify for a 1344 if he would, you know, go through the trouble of applying for one. So, I guess it was as much of a courtesy as anything else to John Starr. But like Hollis has said, he didn't respond, so he's really not eligible.

20

21 MR. CHARLIE TITUS: Mr. Chair, I think to answer my question, I was just curious because I know John myself and I've never known him to trap over in Minchumina. Maybe on the border, but I don't know.

25

26 MR. LEE TITUS: Um-hum.

27

28 MR. PEARSON: Mr. Chairman, I'd like to narrow our selection for the SRC down to just the people that replied. I mean, I think that's the people that expressed an interest in serving on these seats. I mean I don't know how we could consider anybody else that didn't even reply. I mean, I can't believe they'd have a strong interest in serving on these seats.

35

36 MR. LEE TITUS: So, you're suggesting we make a decision on Pat O'Connor or Miki Collins?

38

39 MR. PEARSON: Yes, sir.

40

41 MR. LEE TITUS: Okay.

42

43 MR. PEARSON: And I think in their letters on the next page there, both of them are super-qualified.

45

46 MR. ROACH: Excuse me, Mr. Chair, if I could address Mike for a moment. I would like to discuss your concern at the last meeting with having a person on the road system be a

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

member of the committee. Would you like to go into a little more detail about that?

2

3 MR. PEARSON: I didn't have no problem with that. I believe Hollis was stating that I believe they already have SRC members that are from Cantwell and, I don't know, do they also have members already on the SRC for Denali from Minchumina?

7

8 MR. TWITCHELL: Yes, there is a current member from Minchumina, Florence Collins, who sits on the SRC as the chairperson of the SRC. Other road corridor appointees would be -- currently, Pat O'Connor is sitting on the SRC until the decision of this Council, and there is another individual, Lee Basner (ph) from just south of Cantwell. There is also another individual, Henry Peters, from Cantwell and another individual from Nenana, Percy Dyke. So, we have one, two, three, four individuals currently sitting on the SRC and they're associated along the road corridor area.

18

19 MR. ROACH: So, it sounds to me like the physical area is pretty well represented overall.

21

22 MR. TWITCHELL: Well, it is currently. There is just recently a number of events that happened and we may need to wait until the State makes their round of re-appointments. Two individuals have just recently resigned from the SRC and who is replaced on behalf of the State, we don't know at this time. So, that composition may change in the future. So, I wouldn't put a lot of credence on the road corridor assignments right at this point because it's likely to change in the future.

30

31 MR. PEARSON: Mr. Chairman. Hollis, did you mention that was all the members of the SRC, then? There's only one from Lake Minchumina right now, Florence Collins, and the rest are all on the road corridor. Is that the way it goes?

35

36 MR. TWITCHELL: There's the other member. The ninth member is from McGrath, and he sits there. And there's also an individual who is temporarily sitting on the SRC from Telida and when the Southcentral Regional Council makes their second election, that individual will be replaced at that time. So, to answer your question, currently and in the near future, we will have members sitting from McGrath and from Lake Minchumina representing the western side.

44

45 MR. PEARSON: And then, Mr. Chairman, maybe Hollis would clarify on Pat O'Connor's behalf because we had a lot of discussion at the last meeting because he wasn't a, at that time, present subsistence user of the Park but now is. Maybe

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

Hollis could clear that up. I don't know if any of the rest of the members remember that.

2

3 MR. TWITCHELL: That is correct. He has been re-issued  
4 a subsistence use permit by the Park and he has standing. So,  
5 as a member of the Middle Nenana Fish and Game Advisory  
6 Committee, as a subsistence permit holder, he would fully meet  
7 the criteria for appointment.

8

9 MR. GUSTAFSON: Mr. Chair. Mr. Twitchell, so we only  
10 have to pick one from this Council right now. But when are  
11 these other -- I mean, there's a total of nine for an SRC,  
12 right?

13

14 MR. TWITCHELL: That's correct.

15

16 MR. GUSTAFSON: And our responsibility is only one.  
17 \$0, that's basically the way it's -- to pick one person....

18

19 MR. TWITCHELL: Um-hum (affirmative).

20

21 MR. GUSTAFSON: ....from this list. You said that the  
22 Collinses were from Minch -- Miki Collins was from Minchumina.

23

24 MR. TWITCHELL: Correct.

25

26 MR. GUSTAFSON: Okay. There is another Collins on the  
27 Western one, right? Western council.

28

29 MR. TWITCHELL: Yes, that's Ray Collins and they're not  
30 related at all.

31

32 MR. GUSTAFSON: Okay.

33

34 MR. TWITCHELL: They're a different family.

35

36 MR. GUSTAFSON: I think I remember hearing something at  
37 the last meeting about the same issue.

38

39 MR. TWITCHELL: You may want to be aware that Miki  
40 Collins is the daughter of Florence Collins.

41

42 MR. GUSTAFSON: Um-hum. So, basically, we only have to  
43 pick one person, then?

44

45 MR. TWITCHELL: For this Council, yes.

46

47 MR. GUSTAFSON: For Denali, yeah.

48

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. TWITCHELL: And that essentially amounts to selecting between either Miki or Pat O'Connor who's eligible and desiring to serve.

3

MR. PEARSON: No, he answered my question. I wasn't sure of the relationship between Miki Collins and Florence Collins, the chairman already, so....

7

MR. LEE TITUS: I remember at our last meeting, there were a couple names from Nikolai and Telida. What happened to those?

11

MR. TWITCHELL: Well, those are from the....

13

MR. LEE TITUS: They're not qualified?

15

MR. TWITCHELL: Those are from the western region.

17

MR. LEE TITUS: Oh, western region? Okay.

19

MR. TWITCHELL: And the names that you need to select would be people who are from the eastern region.

22

MR. LEE TITUS: Oh, okay.

24

MR. PEARSON: Mr. Chairman, I'd just like to state that I think both of the candidates are, again, super-qualified for this position.

28

MR. LEE TITUS: I don't know. I guess we'll have to make a motion to nominate one of them, I guess, or we have to pick between one of them.

32

MR. ROACH: Mr. Chair, could I address Hollis again? Hollis, Pat O'Connor is currently sitting on the committee. How long has his term been? How long has he been a member?

36

MR. TWITCHELL: I would just be guessing. On the Fish and Game Advisory Committee for Middle Nenana?

39

MR. ROACH: No, I'm sorry. On the SRC.

41

MR. TWITCHELL: Oh, on the SRC? It seems like he was appointed about four years ago.

44

MR. PEARSON: Well, in his letter it says six years here. Mr. Chairman, I have a question to Hollis on that. How is it that Pat O'Connor's term expires? I mean, I don't really know. I mean, is he due up as the date of being expired here?

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. TWITCHELL: Well, yes. He will -- he's basically  
 2 serving until being either replaced in terms of a new appointee  
 3 being made by an appointing source which would be this body and  
 4 he continues to serve until replaced even though his term of  
 5 appointment -- I believe it was just two years ago the, what  
 6 was the former region re-nominated him.

7  
 8 MR. PEARSON: Yeah, that was the State's Interior  
 9 Regional Council that appointed him. Yeah. I just couldn't  
 10 remember if his term expired in '93 or '94 or it was just to  
 11 fill in till this election or how it was.

12  
 13 MR. TWITCHELL: Both. He serves at the leisure of the  
 14 appointing source and so this Council could replace a member at  
 15 any time.

16  
 17 MR. PEARSON: Oh.

18  
 19 MR. ROACH: Mr. Chair, I would like to make a motion  
 20 that we select Miki Collins as the -- our appointee to the  
 21 Denali SRC.

22  
 23 MR. CHARLIE TITUS: Mr. Chair,....

24  
 25 MR. LEE TITUS: Yes?

26  
 27 MR. CHARLIE TITUS: ....I'll second that motion.

28  
 29 MR. PEARSON: Mr. Chair, I'll make a nomination of Pat  
 30 Connor for the Denali Subsistence Resource Commission.

31  
 32 MR. LEE TITUS: Okay. I guess we'll just have a vote  
 33 on the two.

34  
 35 MR. PEARSON: Mr. Chairman, I believe we didn't have a  
 36 second on my motion. So, if we don't have a second, it'll die  
 37 for lack of interest.

38  
 39 MR. LEE TITUS: Okay.

40  
 41 MR. JAMES: Excuse me, Mr. Chair. I don't recall a  
 42 second for the first motion.

43  
 44 MR. LEE TITUS: Charlie did.

45  
 46 MR. PEARSON: Charlie did.

47  
 48 MR. JAMES: Oh, Charlie did? Okay.

49  
 50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

1 MR. LEE TITUS: Okay. Michael's motion died for lack  
 2 of second. So, I guess Miki Collins is the commissioner for  
 3 Denali Park.

4  
 5 MR. ROACH: Excuse me, Mr. Chair. Should we have a  
 6 vote?

7  
 8 MR. LEE TITUS: It shouldn't be a vote. It's  
 9 already....

10  
 11 MR. ROACH: Okay.

12  
 13 MR. LEE TITUS: I mean, she's the only -- I don't know,  
 14 you guys want to vote?

15  
 16 MR. PEARSON: I don't know the rules.

17  
 18 MR. JAMES: I think just for the record, a vote would  
 19 make it tidy.

20  
 21 MR. LEE TITUS: Okay. Voice vote. All in favor of  
 22 Miki Collins, say aye.

23  
 24 ALL MEMBERS: Aye.

25  
 26 MR. LEE TITUS: Opposed? (Pause.) Okay. Miki Collins  
 27 is the commissioner for the Denali Park. Wrangell-St. Elias.

28 MR. ROACH: Excuse me, Mr. Chairman.

29  
 30 MR. LEE TITUS: Um-hum?

31  
 32 MR. ROACH: A couple of points on the Wrangell-  
 33 St. Elias SRC. I know that two of the Park Service employees  
 34 are here that could present information on this, as well as the  
 35 responding individual, Frank Entsminger, is here. I  
 36 believe he's still here, if we would like to talk to him. He  
 37 was the only one from the list of eligible candidates that  
 38 responded interest in -- also, the Upper Tanana -- we received  
 39 a letter from the Upper Tanana Fish and Game Advisory Committee  
 40 commending Frank as an appointee.

41  
 42 MR. LEE TITUS: Are you asking for the Wrangell-  
 43 St. Elias....

44  
 45 MR. ROACH: I was just presenting that they are  
 46 available....

47  
 48 MR. LEE TITUS: Oh. Oh.

49  
 50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

1 MR. ROACH: ....if anybody on the Council would like to  
2 speak to any of those individuals.

3  
4 MR. LEE TITUS: This list is just a list that you came  
5 up with yourself, right? All these....

6  
7 MR. JAMES: Mr. Chair, I developed this list in  
8 consultation with primarily Jay Wells from the Wrangell-  
9 St. Elias Park staff. Basically the same criteria were used.  
10 These people, some of them we knew are not technically  
11 qualified to serve, but again as a matter of courtesy, I sent  
12 these letters out in case they were and just had not applied  
13 for a 1344. But, as is already stated, we only received one  
14 response of interest to serve and that was from Mr. Entsminger.

15  
16  
17 MR. PEARSON: Mr. Chairman, I....

18  
19 MR. LEE TITUS: Yes?

20  
21 MR. PEARSON: You know, if you have nine applicants, I  
22 believe it is here, and we've only had one response that's  
23 legible, I really don't see a whole lot of time needed to, you  
24 know, spend on this here unless somebody sees a graphic area --  
25 mean, a giant mistake in the names that were offered.

26  
27 MR. ROACH: Mr. Chairman, I'd like to make a motion  
28 that we appoint Frank Entsminger as our appointee to the  
29 Wrangell-St. Elias SRC.

30  
31 MR. PEARSON: I'll second that, Mr. Chairman.

32  
33 MR. LEE TITUS: It's been moved and seconded for Frank  
34 Entsminger to sit on the SRC for Wrangell-St. Elias. All in  
35 favor of the motion, signify by saying aye.

36  
37 ALL MEMBERS: Aye.

38  
39 MR. LEE TITUS: Opposed? (Pause.) Okay. The letter  
40 Ron McCoy requesting funds for F&G advisory committees. Did  
41 we get a response on that, David?

42  
43 MR. JAMES: Mr. Chair, in Section 4 of your notebook  
44 are the four separate pieces of correspondence that the Council  
45 directed me to develop for you after the last meeting. There  
46 are two to Mr. Ron McCoy, Chair of the Federal Subsistence  
47 Board, and one each to Secretary Babbitt and Secretary Espy.  
48 We have not received to date an official response, but the

49  
50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515



draft is in the making and has to go through a few more formalities, I'm told. We have with us Mr. Dick Pospahala, Director of the Subsistence Management Program here for the State, who, if requested, I'm sure would be glad to come forward and give you a brief review of what that draft response is to these subjects.

6

7 MR. LEE TITUS: Sure.

8

9 MR. DICK POSPAHALA: Thank you, Mr. Chairman. In deference to David's comment, I think I need to clarify. I do work for the Fish and Wildlife Service in the Federal system and not the State system. We had hoped to get a response to you prior to your meeting today on the issues that you raised in your correspondence of November 23rd and also in the report to the secretary on the 15th of November. I expect that that document will be signed in the next day or so and it'll be on its way to you. But I can, I think, discuss the substance of our response to the issues raised in those letters with you today. With your permission, I'll just take -- all of the issues that are raised in the report to the secretary and the issues that are raised in the individual letters of correspondence are pretty much the same. And with your permission, I'll just deal with all three of those topics at the same time if that's satisfactory. Is that all right with you?

25

26 MR. LEE TITUS: Sure.

27

28 MR. POSPAHALA: The first one that I'll talk about briefly is your request for funding support for the local Fish and Game advisory committee system as supported by the State of Alaska. As you may or may not be aware, when we went through the Environmental Impact Statement process at the initiation of Federal involvement in this program, we did an overall assessment of the applicability of the State system to the Federal requirements within Section 805 of ANILCA. Our conclusion was that the council system, as it existed in the State system at that time, did not comply with the statutory requirements but that the advisory committee system as a local Fish and Game advisory committee system did, in fact, comply with our needs in the statutory language. With that in mind, then, we elected to develop a system of Federal regional advisory councils, but to continue to rely on input from the local Fish and Game advisory committees.

44

45 We did provide considerable funding to the State of Alaska to support that advisory system up to the point in time that we brought onboard Federal regional advisory councils. The establishment of those ten councils in providing for an

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

adequate support system is a very expensive proposition for the Federal Government. Right now we anticipate that the funding requirements for the ten councils that are onboard is going to cost us something on the order of a million dollars a year. That's something close to about 25% of the entire Fish and Wildlife Service Subsistence Management budget. With that in mind, then, I think our main commitment has been to assure that the councils receive adequate support both in terms of staff support within the Fish and Wildlife Service and other Federal agencies and that you also have operating funds to allow you to accommodate the achievement of your goals in this system. That means, then, that there simply is not money available within our budget framework right now to provide additional funding to those local Fish and Game advisory committees.

14

15 Despite repeated requests, we have not been able to acquire additional funding in this program over the last two years, beginning the next fiscal year which starts on October 1 of 1994. Within the Fish and Wildlife Service, we are looking at a \$15 million budget reduction service-wide. It's unlikely at this time that based on our own efforts that we'll see any additional money come into this program. So, while we're not adverse to trying to supplement the efforts on behalf of those committees with regard to the Federal program, I think quite simply it's just not going to be possible for us to do that with the funds that we have available now.

26

27 MR. LEE TITUS: You mean the Federal program is required to have a local advisory committee but doesn't have the money to support that advisory committee?

30

31 MR. POSPAHALA: The statute is a little bit more forgiving in that regard. It doesn't require the establishment of a set of Federal advisory committees as long as there's a determination that the local State Fish and Game advisory committees can satisfy the requirements of the statute term of providing information to the regional councils. And our earlier determination was, in fact, that those committees are satisfying that requirement.

39

40 MR. PEARSON: Mr. Chairman, I'd like to make a comment here. I think it's wrong of the Federal section to be using the State system and yet not supporting it. I mean, there's a lot of leg work on the coordination of setting up these meetings, getting it out to the public, to the members of the local Fish and Game advisory committee and yet the Federal side wants input out of these same people, these same meetings, but yet aren't willing to put any money or effort into it.

48

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. POSPAHALA: It's my understanding that funding is available within the State system now to provide for two meetings of each of those committees on an annual basis.

3

MR. PEARSON: Yeah, but we get our support from -- Well, we used to have a regional coordinator and then the State cut that position. Now we get our support -- and I'm not saying it hasn't been adequate -- from a subsistence division and it's just not as effective. If we had a person that could -- you know, they don't have the time to help us like a person that had a full-time job at that -- and it just seems that the Federal wants the support or the input from the State here, don't want to set up their own Federal local Fish and Game advisory committee; they want to use the State local Fish and Game advisory committee but yet don't want to give it no support. It doesn't seem right.

16

MR. POSPAHALA: Well, I'm certainly not taking exception to your view. I guess my position on this is if we had the money in the system right now, I certainly would support making funds available to support that part of the system. What I am telling you is that quite simply those funds are not now available within our budgetary framework.

23

MR. PEARSON: Well, maybe what I'd like to point out when is let's not forget this issue when budget time rolls around; if maybe a plug could be put in for this. I mean, I don't know, but it seems to me that each area like our -- what we used to have for a coordinator, what could something like that run? But, you know, I would think under 100,000 a year.

30

MR. POSPAHALA: For the entire system?

32

MR. PEARSON: No, no. Just for each unit. Well, I mean, I realize there's, you know, wages and there's benefits and they're setting up meetings and that, but I mean if the Bods could just share some of that expense with the State. Because you want this from the local Fish and Game advisory committees and if we don't have somebody to keep us current on the issues and help us set up a meeting, and if we have to pay rent for some of our meeting places and get the notices out, as chairman, you know, I do a lot of this, but there's only so much you can expect from volunteers.

43

MR. POSPAHALA: Well, your point is very well taken. I think there are perhaps other avenues you might want to pursue in this regard. I guess my purpose here today is to just let you know that it's not within my purview to provide that funding within the resources that we have available to us at

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

this time. Is that satisfactory?

1

2 MR. CHARLIE TITUS: Excuse me, I have a question. You  
3 said if \$4 million -- that's allocated for the State of Alaska?

4

5 MR. POSPAHALA: I'm sorry?

6

7 MR. CHARLIE TITUS: You said their budget was \$4  
8 million. Is that Alaska's budget?

9

10 MR. POSPAHALA: That's the amount of money that the  
11 Fish and Wildlife Service is given pretty much on an annual  
12 basis right now to perform their lead agency and agency-  
13 specific responsibilities within the entire framework of the  
14 Title 8 program in Alaska, yes.

15

16 MR. PEARSON: Was that four million, Charlie, or was  
17 that one million for the ten councils?

18

19 MR. POSPAHALA: What I said was that of the four  
20 million that we have to manage our program, approximately one  
21 million of that is dedicated to maintenance and support of this  
22 regional advisory council system.

23

24 MR. PEARSON: Thank you.

25

26 MR. POSPAHALA: Um-hum.

27

28 MR. GUSTAFSON: Mr. Chairman, I'd like to comment. I  
29 think there's a conflict between Federal and State procurement  
30 funds and I think that could lead to more of a -- I don't  
31 know, we need to cooperate -- the Federal and State Governments  
32 need to cooperate along with the local people. And we want to  
33 be able to satisfy the subsistence issues to all concerned, you  
34 know, and in order to do that, you know, you need funds. You  
35 need some sort of cooperation, and if you don't have  
36 cooperation, I think this conflict will stay there. And I  
37 think this should be a priority of ours.

38

39 Subsistence is a priority and if you're going to  
40 prolong this agony of not deciding how to solve the issues, you  
41 know, I don't see the point. We have to use all people in our  
42 advisory -- we have to use people that are qualified to advise,  
43 no matter where they're from, you know. We need the funding.  
44 I don't know exactly how to go about it. I imagine it'd be  
45 through Congress to appropriate more funds, and I think we  
46 ought to be able to address that issue to our congressman or  
47 whoever has direct control. And through some sort of lobby and  
48 effort or through recommendations, I think the only way our

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

board can -- our council here could participate is to recommend more funding and stress this. You know, I don't know who we'd do that to now to use these advisory -- you know, State existing -- I think it is under regulation that we can use these advisory councils that Fish and Wildlife supports.

5

6 MR. LEE TITUS: In the statements that you just made concerning this, it's all coming forth in a letter form at a later date, right?

9

10 MR. POSPAHALA: Hopefully, it will be signed by tomorrow. I had tried to get it done yesterday and we were just unable to get it finished. But it's perhaps not laid out in as much detail in the letter as I've described for you this morning.

15

16 MR. LEE TITUS: Okay.

17

18 MR. GUSTAFSON: Mr. Chairman. What is your foreseeable opinion on what's happening, I mean, in relation to funds? I mean, is there going to be funds or....

21

22 MR. POSPAHALA: You mean additional money?

23

24 MR. GUSTAFSON: Yes.

25

26 MR. POSPAHALA: As I think I tried to leave the impression, that it's unlikely in the foreseeable future that we'll see an influx of additional funds into this program as a result of our efforts to request those funds.

30

31 MR. GUSTAFSON: It seems like it would alienate the State advisory system, then.

33

34 MR. POSPAHALA: Yeah. I would like, if you'll allow me, to address the issue of cooperation. In general, I would have to say that we have a very reasonable working relationship with the State and they've indicated to me on several occasions that they intend to provide for that continuing cooperation and coordination to the extent possible that they can within their funding arena as well. I think all of us that read the newspaper understand that there are fiscal problems within the State Government as well, but the State of Alaska has taken it upon themselves to provide representation from people from the Alaska Department of Fish and Game at all of the regional advisory council meetings. They attended all of the meetings last September and October. Chris Smith and others from the Alaska Department of Fish and Game are here today and Terry Haines is here from the subsistence division. They do intend

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

to cooperate with us as long as we're jointly involved in this program.

2

3 MR. CHARLIE TITUS: I'm not sure if I agree with that.  
4 On the local level, the advisory committees are singing a  
5 different tune. I'm not sure if I agree with what you're  
6 saying.

7

8 MR. LEE TITUS: Yeah, I -- my area has a problem with  
9 the local advisory committees, too, because most of our  
10 meetings are attended by just the Tok community and all the  
11 meetings that they have is in Tok and then there's no funding.  
12 Only one time -- I went to a few meetings of the Fortymile  
13 Fish and Game Advisory Committee under the State and only one  
14 time I charged the State for mileage at that meeting. And it's  
15 not a true representation of the communities up in that area;  
16 it's all State -- all they talk about is State issues and it's  
17 really hard to make a statement concerning subsistence,  
18 concerning the Native way. There were some proposals that  
19 these guys didn't even know the facts about, proposals that  
20 Tanana Chiefs have endorsed, that the community has endorsed,  
21 but their proposals won't come because it didn't meet State --  
22 mean, when you're going through proposals, the State has kind  
23 of like a guideline. Everything flows and the proposal goes --  
24 you know, if it doesn't flow, it doesn't go. But I don't know.  
25 So, you don't think funding will be likely?

26

27 MR. POSPAHALA: What I tried to portray is that I don't  
28 see that any effort on my part would be successful in gaining  
29 more money for this program. When we first entered into this  
30 subsistence management arena in 1990, we made some initial  
31 estimates of a size program that we felt would be necessary to  
32 accommodate our responsibilities. Those figures came in with a  
33 program for us of about \$7.5 to \$8 million a year. We've only  
34 ever received funding at a level of about half that. So, we  
35 reached that level two fiscal years ago. We have made  
36 additional requests for funding increases in each year since  
37 that time and none of those have ever been authorized.

38

39 MR. LEE TITUS: When you ask for -- I mean, in studies  
40 like that, you've always got to ask for more than half of what  
41 you need.

42

43 MR. POSPAHALA: Well, maybe I've learned something  
44 here.

45

46 MR. GUSTAFSON: Mr. Chair, getting back to this true  
47 representation. So, you feel that these advisory committees  
48 are not representing the true interests of people with these

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

issues. So, what would we do? According to Mr. -- I remember recalling in this Section 805 that we don't have to use those. Is that true? Can we create our own committees? I think that would be -- for true representation or is that possible? Or, I think according to Section 8- -- I remember reading that Somewhere, you know, on this section that we could. We don't have to use those. I mean, it's to our advantage to do that, but when it comes to true representation, you know, we want to be fair in making decisions and things like that.

9

10 MR. JAMES: Mr. Chair, I think that's the essence of  
11 it. In legislation, there is a provision for establishing  
12 federal committees if the State committees are not doing well.  
13 I'm quite sure that it's not simply the prerogative of the  
14 Council, but we can certainly exert influence and make  
15 commendations. But I suspect the process is, you know,  
16 fairly involved. Mr. Pospahala may have some insight into what  
17 would happen....

18

19 MR. POSPAHALA: Well, my reading of the statute would  
20 indicate that that's a determination that's made by the  
21 secretary and perhaps that would likely fall in Subpart B of  
22 the regulations which is not within the purview of the Federal  
23 Subsistence Board. So, that would be a determination that  
24 would be made by the secretary and at this point in time the  
25 secretary has made a determination that those committees do  
26 satisfy the requirements of Section 3C or something like that  
27 Section 805.

28

29 MR. CHARLIE TITUS: Mr. Chairman?

30

31 MR. LEE TITUS: Yes, Charlie.

32

33 MR. CHARLIE TITUS: So, basically, what he's telling us  
34 no. Right?

35

36 MR. POSPAHALA: I hope that I'm trying to be a bit more  
37 sympathetic than that. I'm simply telling you that our  
38 position on this right now is pretty much simply a matter of  
39 economics. It certainly doesn't have anything to do with the  
40 level of appreciation that we have for the intent of the  
41 statute to provide for that local input into our programmatic  
42 efforts.

43

44 MR. CHARLIE TITUS: I agree with Mr. Pearson over  
45 here. We should just drop the matter and at least continue  
46 our stand, Mr. Chair.

47

48 MR. LEE TITUS: Is there any more questions concerning

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

funding? David?

1

2 MR. JAMES: Mr. Chair, thank you. One of the difficult  
3 things about this job is to not take sides and be perfectly as  
4 unbiased as I possibly can. I would like to pass along one  
5 observation to you: In this most recent round that we're in  
6 right now of regulatory proposals, you will find that the Upper  
7 Tanana-Fortymile Advisory Committee actually is quite involved  
8 and they did a fairly thorough review of the Federal program  
9 this time. And they appear -- as an outsider looking at it, it  
10 would appear to me that they have made perhaps their first  
11 serious effort to start addressing those issues. So, in time,  
12 perhaps, there's opportunity there, you know, to build bridges  
13 and improve representation. Thank you.

14

15 MR. ROACH: It's been -- excuse me, Mr. Chair.

16

17

18 MR. LEE TITUS: All right.

19

20 MR. ROACH: It's been my observation, I guess is what  
21 you'd call it, that if council members were able to attend the  
22 meetings, some of these Fish and Game advisory committee  
23 meetings, that their understanding of what occurs both at the  
24 council and then further on up to the Subsistence Board may be  
25 improved by the information that we're able to provide them. I  
26 think that's what I'd like to see, as much council  
27 participation as possible in those committee meetings.

28

29 MR. PEARSON: Mr. Chairman, I guess then there wouldn't  
30 be much threat of the Federal not recognizing the State local  
31 Fish and Game advisory committees in their response to Federal  
32 issues if they don't have enough money to set up a Federal  
33 local Fish and Game advisory committee.

34

35 MR. POSPAHALA: That's 100% accurate.

36

37 MR. PEARSON: Mr. Chairman, I think we've discussed  
38 probably funding as far as we can go. I'd like to make a  
39 motion or recommend that we move on to C&T determination for  
40 parks and highway area. That's our next letter.

41

42 MR. POSPAHALA: Okay. Are we ready for that one, then?

43

44 MR. LEE TITUS: Yeah, I think you ought to....

45

46 MR. POSPAHALA: Yeah. I think what I do want to do  
47 here is to make a point that I'm sure that you all recognize  
48 that a complete review of all of the existing customary and

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515



traditional use determinations on a Statewide basis is a particularly complicated process. And I think in your correspondence you raised -- and in your Annual Report, you raised two significant issues. One had to do with accelerating the determination on the Parks Highway and then, secondly, you raised the issue about whether or not all customary and traditional use determinations on a Statewide basis would be individually so complicated that they would require the same amount of attention and detail and require an extensive period of time.

10

11 I think that in our discussions - if I can take the  
 12 second point first - we have had some internal discussions and  
 13 think our position is that we agree with you that in some  
 14 areas of the State the customary and traditional use  
 15 determinations can be accelerated and made in a much more short  
 16 period of time. And we're in the process of trying to evaluate  
 17 our capability to do that, and we'll be moving ahead with a  
 18 formal publication, hopefully, within the next month or so that  
 19 at least notices the public of our intention to go ahead and  
 20 work in some of these areas where we think that it'll be easier  
 21 to make these determinations and, thus, accelerate them ahead  
 22 of the point in time when we may have indicated that they might  
 23 be put off for some time earlier on. I can't tell you  
 24 specifically which ones that will be at this point in time, but  
 25 we are taking a look at that. And I think your point was very  
 26 well taken on that issue.

27

28 With regard to the Upper Tanana review, I think there  
 29 are some things that are happening now with this situation on  
 30 the Parks Highway with regard to Mr. O'Connor's request. And I  
 31 don't have the details of that situation at hand, myself, but I  
 32 see that Hollis Twitchell is here and he might be able to  
 33 address that specifically. The National Park Service I think  
 34 is moving ahead very well on their first efforts at reviewing  
 35 the customary and traditional use determinations in the Copper  
 36 River Basin and the Upper Tanana area, and they'll be making a  
 37 presentation to this Council, I think, this afternoon or later  
 38 this morning that'll bring you up to speed on that one.

39

40 So, with regard to the overall program, I just want to  
 41 leave you with the message that your point about accelerating  
 42 some of these was well taken and we intend to move ahead in  
 43 that direction as quickly as possible.

44

45 MR. PEARSON: Mr. Chairman, could we ask Hollis  
 46 Twitchell of Denali Park to come forward, and I'd like to just  
 47 run over a summary that led up to this letter and see if maybe  
 48 we could have any clarification or -- basically, I also sit as

49

50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

chairman of the Middle Nenana River Fish and Game Advisory Committee, and it's been our thought that it's wrong for the Federal Fish and Wildlife Service to use the State's determination of the -what we thought was terribly wrong - Fairbanks, Denali non-subsistence area.

5

6 This here determination, as I understand it, by the State of Alaska is holding back Pat O'Connor and I think approximately thirteen other permit users to get their Federal permit to hunt like caribou and moose in the Denali subsistence area. One, we think the State was wrong in their determination and I think they have some wrong facts. Second, the Federal is also using that same subsistence report and, I guess -- let me think in my notes here. Anyhow, we think the report is wrong and we think the State's determination was wrong and, therefore, leading to the wrong -- you know, the Federal basically going along with the State. Maybe Hollis could clarify if I've missed something there.

18

19 MR. TWITCHELL: Okay. There were a total of eleven individuals who were under permits from the Park Service for subsistence use activities, primarily just hunting, and those individuals were authorized for hunting moose and caribou. And in 1988 I believe was when the first determinations occurred that identified a section of the Parks Highway from 216 to 239 as being non-rural. And with that non-rural status, that forced the Park Service to withdraw their permits since one of the criteria for a subsistence user is living in a rural area.

28

29 About a year later, the State Department of -- I guess 30 was the joint boards made a determination that the area was indeed a rural area once again and reversed the non-rural status and, at the same time, made a C&T determination for the use of moose and caribou in 20C which would affect this road corridor area. And that C&T determination said that people between 216 and 239 on the Parks Highway did not have customary and traditional use of moose and caribou. And with that determination, the Park was still not able to re-issue the permits for hunting moose and caribou in Denali Park lands for people along that road corridor area. So, as it still stands, there were that list of people who basically lost their rights and opportunities to hunt moose and caribou on Denali lands.

42

43 In the ensuing years, appeals have been set forth both through the State and, concurrently, to now the Federal Subsistence Board to revisit that C&T determination. And the Park Service supports that review and looks forward to it. The Denali Subsistence Resource Commission is also on record as supporting that review in that area. It might be noteworthy to

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

you to know that out of those eleven people who initially lost their permits, six people have subsequently moved away and no longer live in the region at all. And so we're dealing with now a current residence of five people that are in this situation, waiting for this appeal to be heard.

5

6 Pat O'Connor recently went before the Federal Subsistence Board and exercised a provision that allows an individual to petition the Federal Subsistence Board for an exception on an individual basis to the area and community C&T determinations. And the Federal Subsistence Board acknowledged that request and directed the Park Service to look into Pat O'Connor's situation and to formulate a response back to the Federal Subsistence Board regarding his status and his use in the area. We are still in the process of reviewing and analyzing that; we're very close to coming out with a recommendation and I would expect within the next month we'll have the information prepared to present to the Federal Subsistence Board. So, that's as much as I can say on that individual process and we're moving through the process.

20

21 MR. PEARSON: Hollis, on that individual process, would that include the moose and caribou or....

23

24 MR. TWITCHELL: That would be specifically looking at an individual - in this case, Pat O'Connor - and his use of moose and caribou on or in Denali Park lands.

27

28 MR. PEARSON: Yeah, that'd be great. Thank you.

29

30 MR. TWITCHELL: So, the issues are two: The individual request for an exception to the existing negative C&T determination; and the second issue is a total review of the C&T in that road corridor area.

34

35 MR. LEE TITUS: Is there any Native villages in that corridor?

37

38 MR. TWITCHELL: No, there are not. The nearest village communities would be Cantwell to the south. This area, 216, about three, four miles north of the community of Cantwell and the next....

42

43 MR. LEE TITUS: North of Cantwell? Oh, okay.

44

45 MR. TWITCHELL: And the next ends up along the eastern side of Denali National Park past McKinley Village, including McKinley Village, and up to just south of the community of Healy.

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. LEE TITUS: Any questions?

2

3 MR. PEARSON: Mr. Chairman, I'd like to just comment on  
 4 that. I wasn't aware of that individual process and I'm glad  
 5 to hear that that's moving forward. I think that that will do  
 6 a lot to correct the problem on this particular problem.

7

8 MR. LEE TITUS: So, we're on No. 3. We're also on  
 9 No. 8, the issuance of permits, right?

10

11 MR. JAMES: I'm sorry, Mr.....

12

13 MR. LEE TITUS: We're covering that at the same time or  
 14 is this different? Are we talking about different permits for  
 15 determining....

16

17

18 MR. JAMES: Yeah, the 1344 permits was, yeah, is under  
 19 Item 3. Is that what you're asking?

20

21 MR. LEE TITUS: Yeah.

22

23 MR. JAMES: Yes. That was it.

24

25 MR. LEE TITUS: Is that the same thing that you were  
 26 talking about earlier when you said they were re-establishing  
 27 their C&T determinations?

28

29 MR. TWITCHELL: What we did is we're reviewing the  
 30 individuals who lost their authorizations for hunting moose and  
 31 caribou and looking at whether we can determine them to be  
 32 subsistence users for other species and other subsistence uses.  
 33 And, if so, then we will be looking at each individual's case.  
 34 And we have for Pat O'Connor and we found that, indeed, he has  
 35 other subsistence uses besides hunting just moose and caribou  
 36 that warrants issuing the permit.

37

38 MR. LEE TITUS: How many of them do you have now? You  
 39 said twenty?

40

41 MR. TWITCHELL: We have thirteen people currently under  
 42 individual permits.

43

44 MR. LEE TITUS: In another twenty years, it'll be over  
 45 5,000.

46 MR. CHARLIE TITUS: Mr. Chairman?

47

48 MR. LEE TITUS: Yeah?

49

50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

1 MR. CHARLIE TITUS: I've been wondering. He said five  
 2 people moved out of the area. Is it pretty transient here? Is  
 3 it common for them to move in and out of this area? Or these  
 4 five people -- it seems like these residents that choose to  
 5 stay there have been there an awful long time, whereas these  
 6 six other people are just....

7  
 8 MR. TWITCHELL: There is -- the primary economy in the  
 9 area is either working for the railroad, the highway  
 10 department, the coal mine, the power plant, or for the National  
 11 Park Service itself. And a number of these people involved,  
 12 several of them have been former Park Service employees who  
 13 moved into the area at various times from the -- some of them  
 14 in the late sixties, such as Pat O'Connor, up into the  
 15 seventies and have basically lived in the area until their  
 16 retirement. And a number of these individuals, four of them,  
 17 after their retirement, have moved away, some to Soldotna, some  
 18 to Anchorage, others to the Lower 48.

19  
 20 MR. LEE TITUS: Any more questions? (Pause) Under the  
 21 issues of the 1344 permits? We covered that, right?

22  
 23 MR. PEARSON: Um-hum (affirmative).  
 24

25 MR. LEE TITUS: On the rest of No. 4, letter to Bruce  
 26 Abbott, my question: Is there jurisdiction over navigable  
 27 waters?

28  
 29 MR. POSPAHALA: All right. With your permission,  
 30 Mr. Chairman, I'll address that issue. The request made by  
 31 this Council of the two secretaries to extend their  
 32 jurisdiction into navigable waters, it deals with exactly the  
 33 same issue that was forwarded to the secretary I think last  
 34 July 15th by the Native American Rights Fund and other parties  
 35 asking him to enter into a -- and this was in the form of a  
 36 petition for rule-making, asking the secretary to do the same  
 37 thing that you asked him to do in your Annual Report and in  
 38 your correspondence. At the same time that the secretary is  
 39 considering that petition for rule-making, they're also  
 40 reacting to some lawsuits that have been filed in Federal  
 41 District Court in Anchorage. Many of the lawsuits that had  
 42 been brought before the District Court in regard to the Federal  
 43 Subsistence Program since 1990 have now been consolidated into  
 44 one lawsuit and Judge Holland has been taking it upon himself  
 45 to deal with the major issues in that consolidated litigation  
 46 in a rather orderly manner.

47  
 48 One of the very first issues that he began to deal  
 49  
 50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

with -- he's had several hearings dating back to December 12th, I think, of 1991 that relate to the major issues in that consolidated litigation. Last November 19th, he took action to deal with the first issue which is in layman's terms described as the so-called "Who Issue." The State has challenged Federal authority to establish subsistence management regulations contending that it was never intended that the Federal Government ever enter into the regulatory arena, but that any non-compliance by the State would be dealt with through the District Court, directing the State to comply with the statute. On November 19th, Judge Holland issued a preliminary decision and provided an opportunity, then, for the parties that were on the side of that issue, notably the Federal Government, and the Native American Rights Fund and their colleagues in that litigation to deliver a set of supplemental briefs to the Federal District Court which they did by the end of December.

16

17 The State of Alaska was then provided an opportunity to review those briefs and that's now been done I think by about the middle of January. Judge Holland has not, at this point in time, set a date for a follow on hearing nor has he indicated that he'll be releasing a final decision on that part of that litigation.

23

24 The second step: In mid January, he issued a so-called proposed Order of Dismissal" in the second major issue in that consolidated litigation which does, in fact, relate to whether or not the Federal Government has jurisdiction in navigable waters and territorial waters of the State of Alaska. His conclusion was that, in fact, in his view at this point in time that the Federal Government does have effectively a title interest and can exert jurisdiction over subsistence uses in navigable and territorial marine waters of the State of Alaska. The Federal Government at this point in time has not taken a position as to whether or not they want to support that proposed order. If they were to take a position in support of the proposed order, they would have to reverse some very strong positions that were taken in some earlier litigation that indicate that the Federal Government does not have, in fact, title jurisdiction in navigable and territorial waters. The Government is now taking this under consideration and I would expect that a decision will be made within the next two or three weeks as to how they'll react to that.

43

44 Initially, Judge Holland had scheduled a hearing on his proposed order for tomorrow, February 4th. My understanding is that that's now been delayed until some time in March, and I don't have the specific date. I think it's some time in the first half of March. So, the secretary will

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

be in consultation with other people in Washington. The Solicitor General and others will be making up his mind with regard to the policy issue, what position, what stance they want to assume in going back to the Court sometime within the next few weeks, and then we'll all know how he responded to that request. Beyond that, I really can't offer any additional information.

7

8 MR. JAMES: Mr. Chair, in your notebook there in  
9 section 5, I copied the last three pages of Judge Holland's  
10 recent ruling on this so-called "Where Issue," you know, the  
11 Federal authority over navigable waters, in case you're  
12 interested. If any of you want to obtain a copy of the full  
13 context of that, let me know and I can provide it.

14

15 MR. LEE TITUS: Charlie?

16

17 MR. CHARLIE TITUS: Mr. Chair, I was wondering -- maybe  
18 Mr. James could answer it best. Did any other of the nine  
19 regional councils request the same -- anything similar to what  
20 we did in our letter?

21

22 MR. JAMES: Yes. I don't know exactly how many, but  
23 several did.

24

25 MR. CHARLIE TITUS: I'm glad to hear we're not the only  
26 ones interested in this issue.

27

28 MR. LEE TITUS: Any more questions? If not, I guess  
29 we'll take a break.

30

31 MR. ROACH: Excuse me, Mr. Chairman,....

32

33 MR. LEE TITUS: Sure.

34

35 MR. ROACH: ....if I may, since we got a late start and  
36 it's just over an hour till lunch, unless anybody else needs a  
37 break, I would like to move on until lunchtime with our old  
38 business.

39

40 MR. LEE TITUS: Any objections?

41

42 MR. PEARSON: Well, Mr. Chairman, I think we're only  
43 about, what, ten minutes behind schedule which isn't much.

44

45 MR. LEE TITUS: I don't think these other three C, D,  
46 and E, will take that long, except for public testimony. Is  
47 this information exchange?

48

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. JAMES: Mr. Chair, that's primarily for the benefit of council members if you wish to share information on any subject or perhaps one of the agencies feel they have something they would like to present that's germane to one of the issues that got slighted or maybe not put on the agenda at all. Your discretion, primarily.

6

MR. LEE TITUS: Okay. Who's giving the high water mark definition?

9

MR. JAMES: Mr. Bill Knauer could help out with that. It shouldn't be a long discussion unless there's, you know, more detail that you all want.

13

MR. LEE TITUS: Okay. We can go through that one, I guess. This is in regards to....

16

MR. JAMES: Mr. Chair, that ordinary high water mark -- the term that was being used at the last meeting was mean high water mark and there was some discussion over it, about the confusion of identifying that in the field, and I was requested to find a definition of that, the "official" definition of that. So, we came up with something that we would like to pass along to you with the warning ahead of time that it probably doesn't solve a whole lot of difficulties, but nevertheless you'll have it. In fact, that is in your book. It's in that same Section 5, "Ordinary High Water Mark," and then there's a definition of ordinary high water mark. If you desire more discussion and details on that, Bill Knauer could help

29

MR. PEARSON: The last two pages in Section 5.

31

MR. LEE TITUS: When did we go through this one here at our last meeting? What were we discussing when we were into this one? Were we talking about parks?

35

MR. PEARSON: We....

37

MR. LEE TITUS: Were we talking about Denali Park, weren't we?

40

MR. PEARSON: No, we were talking about the Federal Anti-....

43

MR. GUSTAFSON: (Whispered speech.)

45

MR. PEARSON: Yeah, over navigable waters and then we got on to what was considered a high water mark.

48

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515



1 MR. LEE TITUS: Oh, okay.  
2  
3 MR. JAMES: Mr. Chair?  
4  
5 MR. LEE TITUS: Yes.  
6  
7 MR. JAMES: A suggestion is that I think that a  
8 discussion of the remaining issues under "Old Business" could  
9 be accomplished well before noon, I suspect, and that would  
10 give everybody a longer lunch break which may be, you know, of  
11 some use to you. That's up to the Council, whether you want to  
12 break now or continue and finish.  
13  
14 MR. LEE TITUS: What is the advantage....  
15  
16 MR. JAMES: I guess the advantage of not taking a break  
17 now is that you would end up before 12:00 o'clock and therefore  
18 you would have a longer lunch break.  
19  
20 MR. LEE TITUS: Oh, okay.  
21  
22 MR. JAMES: As compared to taking a break now and maybe  
23 meeting until 12:00 o'clock.  
24  
25 MR. LEE TITUS: Okay. Anybody have any questions on  
26 the definition of high water mark?  
27  
28 MR. PEARSON: Mr. Chairman, the only question I had on  
29 this definition of ordinary high water mark, does this coincide  
30 with the State's definition?  
31  
32 MR. JAMES: Mr. Chair?  
33  
34 MR. LEE TITUS: Um-hum?  
35  
36 MR. JAMES: I suggest that Bill Knauer might be able to  
37 help us on that. There may also be other expertise in the  
38 audience that might be able to address that, if you wish.  
39  
40 MR. LEE TITUS: Okay. Mr. Knauer?  
41  
42 MR. BILL KNAUER: Mr. Chair, I have not seen the exact  
43 State definition; however, it is my understanding that it is  
44 very close.  
45  
46 MR. ROACH: Excuse me, Mr. Chairman.  
47  
48 MR. LEE TITUS: Yes.  
49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. ROACH: Mr. Knauer, when we were looking at the items that we have in Section 5, we have I believe three court decisions here that basically cover ordinary high water mark and then a definition of ordinary high water. Do the Federal Agencies define ordinary high water in different ways?

5

MR. KNAUER: Depending upon the particular program, there are some different definitions. For example, the Corps of Engineers has a definition for some of their programs relative to placement fill in wetlands and so on, and then the Federal agencies, also. Some of them have different definitions relative to navigability and also servitude. The material that you have in front of you was provided by the Bureau of Land Management who, for many years, was the agency in the Federal Government that was involved with adjudication and conveyance of lands.

16

MR. ROACH: The land ownership patterns in Alaska are pretty jumbled. Do the -- does the ownership of land along navigable waters, does it fall to the ordinary high water mark, or is there some other definition of boundary between the uplands and the rivers or waterways themselves?

22

MR. KNAUER: I'm not sure on that. I believe, and it's just my personal impression from dealing with a number of Federal agencies, that it relates to the ordinary high water mark. But I'm not absolutely sure.

27

MR. ROACH: The reason I ask the question is because of some concern of individuals primarily hunting along the navigable water areas and wondering if there is a difference whether the uplands are managed by the Federal agencies, State agencies, or private ownership or maybe Native allotment status. And that was the reason I asked the question.

34

MR. LEE TITUS: Any more questions for Bill?

36

MR. PEARSON: No.

38

MR. LEE TITUS: Thank you, Bill. Status of the 1993 Annual Report?

41

MR. JAMES: Mr. Chair, the Annual Report, as you all recall, was not -- did not follow very closely to guidelines that are suggested in regulations by ANILCA and the subsistence regulations; that was because time was short. So, the report that you have in Section 6 was put together as a letter, as much a show of good faith effort on the part of the Council to the Federal Subsistence Board as anything else. And the

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

purpose of it was to identify -- I think there's, what, four main issues, all of which I think, yeah, have already been discussed. So, there has been no per se official response to your letter yet -- I mean, to your Annual Report letter; However, most of these issues as you can see are included in these other letters that were sent out, these correspondence letters that we addressed just earlier here on the agenda. So, the subjects have been addressed as Mr. Pospahala suggested to you and that written response will be forthcoming very soon.

9

10 MR. LEE TITUS: Okay. So, that's the status, right?

11

12 MR. JAMES: That's the status. I really don't have anything else to add at this time. You know, if any of the Council members have concerns or questions that need to be pursued now, well, I'll sure do my best.

16

17 MR. PEARSON: Maybe, Mr. Chairman, if it wasn't in the correct outline for the Annual Report, I think it was still a real well-written letter and covered our -- most concerns.

20

21 MR. LEE TITUS: Um-hum (affirmative). Okay. Policy and distribution of meeting transcripts.

23

24 MR. JAMES: Yes, Mr. Chair, just a brief item. I didn't get clarification on this at the last meeting, but if any of the members of the Council ever want a complete transcript of the meeting, then, just let me know and I'll provide it to you. But unless you ask, I won't do it. It's an awfully thick document that may or may not be of any interest to you. But if you do want one, it's no problem; we can get it to you.

32

33 MR. LEE TITUS: Okay.

34

35 MR. JAMES: Or if you want to set it up so that the officers receive it automatically, you know, we can do that, just whatever agreement that you want.

38

39 MR. ROACH: Mr. Chairman?

40

41 MR. LEE TITUS: Yes?

42

43 MR. ROACH: As the vice chair and I'm assuming you, as the chair, would like to see a copy of that. I believe that the secretary has good access to the office here in town so that he can come in and look at that. It's my recommendation that the complete meeting transcript be sent to the officers of the Council.

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. LEE TITUS: And read it entirely.  
2  
3 MR. GUSTAFSON: I did pick up a copy of the last one,  
4 anyway.  
5  
6 MR. LEE TITUS: Before the next meeting. Good idea.  
7 Okay. Under "New Business"....  
8  
9 MR. JAMES: Excuse me, Mr. Chair?  
10  
11 MR. LEE TITUS: Yes?  
12  
13 MR. JAMES: Just to note it for the record here, my  
14 understanding is that a complete copy of the transcript will go  
15 to the three officers and any of the other council members on  
16 request. I mean, it goes to three officers automatically and  
17 then to other members on request, just to clarify it.  
18  
19 MR. LEE TITUS: Oh, okay.  
20  
21 MR. GUSTAFSON: Okay.  
22  
23 MR. LEE TITUS: Maybe ask for public testimony, David?  
24  
25 MR. JAMES: Yeah, Mr. Chair, do you want to entertain  
26 some public testimony right now?  
27  
28 MR. LEE TITUS: Yes.  
29  
30 MR. JAMES: You asked if that'd be appropriate?  
31  
32 MR. LEE TITUS: Yeah.  
33  
34 MR. JAMES: Okay. Hold on a second here. I'm not  
35 sure, Bill, do we -- has anybody actually filled out an  
36 application yet for these issues? You may want to ask the  
37 audience if there's anything they'd like to address at this  
38 time.  
39  
40 MR. LEE TITUS: Is there anything anybody wants to  
41 address? If they have personal issues that they want to  
42 discuss at this time or any other issues that they'd like to  
43 discuss at this time?  
44  
45 MR. FRANK ENTSMINGER: Mr. Chair?  
46  
47 MR. LEE TITUS: Yes?  
48  
49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. ENTSMINGER: (Speaks from audience; away from microphones.) At some point in time, I would like to address the Council in regards to (inaudible).

3

MR. LEE TITUS: Okay.

5

MR. ENTSMINGER: (Speaks from audience; away from microphones.) It doesn't necessarily have to be at this time. In fact, I brought a current list of all the members (inaudible).

10

MR. PEARSON: Mr. Chairman, this would probably be as good a time as any for -- if he's ready. I mean,....

13

MR. LEE TITUS: Frank, you can do it now if you....

15

MR. ENTSMINGER: That'll be fine.

17

MR. LEE TITUS: Congratulations.

19

MR. ENTSMINGER: Thank you, Mr. Chair, members of the Council. Actually, I hoped -- I got a current list of all of our membership in the communities that we represent.

23

MR. ROACH: Mr. Chair, excuse me?

25

MR. LEE TITUS: Yes?

27

MR. ROACH: I believe it would be good to have an introduction.

30

MR. JAMES: Yeah. Could you be sure to introduce yourself....

33

MR. ENTSMINGER: Oh, I'm sorry.

35

MR. JAMES: ....just for the record.

37

MR. ENTSMINGER: Yeah, my name is Frank. Frank Entsminger. I'm the chairman of the Upper Tanana-Fortymile Advisory Committee. Maybe in lieu of each of the council members that don't have a copy, I could maybe just go through the different seats and the communities that we represent. We basically have nine members on the committee and with each village seat having an alternate, and also the community of Tok having two alternates. And, actually, I don't believe there's any need for anybody to write any of this down because I can give this copy to Dave and have him print some copies for you.

48

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. LEE TITUS: We have copies -- I mean, do we have --  
it's in the....

2

MR. PEARSON: We have a copy of the minutes of their  
one meeting here.

5

MR. LEE TITUS: Oh, yeah, yeah.

7

MR. ENTSMINGER: It's possible that maybe you have a  
complete listing from the minutes; I'm not positive.

10

MR. LEE TITUS: I think it's in the -- oh, yeah, it....

12

MR. PEARSON: Yes, it's....

14

MR. LEE TITUS: It is a copy of the complete minutes.

16

MR. PEARSON: And it's a breakdown by the communities  
and the....

19

MR. ENTSMINGER: Okay. I see. Okay.

21

MR. PEARSON: ....representatives.

23

MR. ENTSMINGER: Actually, the point I wanted to make  
was, as chair and representing -- you know, it's a rather large  
area and it's a diverse make-up of individuals, Natives and  
non-Natives. At times, it is difficult to represent the views  
of the majority of the people in the Upper Tanana area. You  
know, winter months when we have our meetings, sometimes  
weather isn't always favorable; it's difficult for people from  
the outlying areas to get into Tok where we have the majority  
of the meetings because it's more or less the hub of the  
center. Not always, you know, everybody is able to attend.  
This is one reason we've tried to get the main board to have  
alternates in each of the villages so that if one person can't  
make it, possibly somebody else can.

37

I've been the chairman for, oh, a little over two years  
now, I believe, and when I first became chairman I just made it  
known through Tanana Chiefs Conference that any of the villages  
that wanted meetings in their village, to just make it known to  
me and I would try to work with them to set up a meeting date  
in the villages. Which we have scheduled right now tentatively  
in Northway on March 9th, which is dealing with the State  
spring proposal packet. Lee requested that he'd like to have a  
meeting in Northway, so we're working on getting that meeting  
set up. And, I don't know, like I say, occasionally subjects  
come up that, you know, all communities are not going to agree

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

on. I have done my best to try to see that every side of the issue is covered and everybody has, you know, basically equal input into a subject.

3

4 I know there have been occasions when village people would like to see a certain proposal passed and, basically, maybe the white community doesn't agree on it. And it's always been my philosophy to try to stick hard to the subject of if it jeopardizes a resource, you know, we try to -- we look at the resource, is the bottom line, whether it's a subsistence issue, a sports issue, or whatever. To us, the bottom line is the resource. If the resource can handle a hunting season, I've always tried to promote it. If a resource can handle additional hunting, I've always tried to promote it. But if a resource, on the other hand, is going downhill, is going away, there's possibly no recruitment into a herd, it's getting over-hunted - maybe not even hunted - maybe a lot of predation, if the resource starts to slide, I've tried to do my best to have it protected. And that's the bottom line as far as how we deal with the resource issues, both subsistence and sport and commercial in our area. I just wanted to pass this along to the council members here, and I'm certainly open for any questions if any of you have any.

23

24 MR. ROACH: Excuse me, Mr. Chair. You may just want to mention the February 9th meeting concerning the Fortymile caribou herd and how that has been set up and what you're trying to accomplish with that.

28

29 MR. ENTSMINGER: Thank you, Mr. Chair, and, Jeff. Yes, actually, also along with a complete make-up of the committee members, I've got a copy that we sent out to all pertinent agencies and people that we feel are going to be interested in this issue. It's actually a complete letter and if you'd like, I could have some copies made and it could be distributed.

35

36 MR. LEE TITUS: Okay.

37

38 MR. JAMES: Mr. Chair, and Council, the whole issue of Fortymile will be coming up under the proposal review which was scheduled for tomorrow. I think any input into that, you know, would probably be most timely then, unless Mr. Entsminger isn't going to be around and would like to make testimony now. My suggestion is that if you are going to be around tomorrow when those proposals come up and that whole issue of Fortymile is discussed, you know, your input would be very timely and probably most pertinent then. But that's not to say -- if the Council wants to go ahead right now, there's no problem. I just wanted to point that out and make that suggestion.

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. ENTSMINGER: Thank you, Mr. Chair, and, Dave.  
 2 Yeah, I will be around tomorrow and I had planned on giving  
 3 testimony in that regard.

4  
 5 MR. JAMES: The decision is yours.

6  
 7 MR. ROACH: Thank you. Mr. Chair, I wasn't sure that  
 8 Frank would be available tomorrow, so tomorrow would be fine.

9  
 10 MR. LEE TITUS: Thank you, Frank.

11  
 12 MR. ENTSMINGER: Thank you.

13  
 14 MR. LEE TITUS: Is there anybody else out there that  
 15 would like to make a comment on whatever else about their  
 16 program or their studies or something?

17  
 18 MR. PEARSON: Mr. Chairman, I would like to ask a  
 19 question of maybe Frank Entsminger that was just up here. If  
 20 you would, just one more second? I waited till he walked all  
 21 the way back there.

22  
 23 MR. ENTSMINGER: I need some exercise.

24  
 25 MR. PEARSON: I was just wondering back on an old issue  
 26 and it's been plaguing us, is how much time does your State  
 27 Fish and Game Advisory Committee spend on Federal subsistence  
 28 regulations and proposals? Do you feel that you're able to  
 29 meet both sides of the line?

30  
 31 MR. ENTSMINGER: Let me back up maybe just a little  
 32 bit. You know, when the Federal system was first starting to  
 33 come into effect and I know there was a time when they actually  
 34 asked questions of the local advisory committees, and there  
 35 were different options they were thinking about taking as far  
 36 as how they could get, you know, input into the system. I know  
 37 our advisory committee highly recommended that the Federal  
 38 system tie in with the State system. The basic reason was  
 39 that, you know, the different communities -- you know, there's  
 40 only so many individuals in each community and besides Fish and  
 41 Game matters, there's all kinds of other things going on. You  
 42 know, the school board things and elections and this, that, and  
 43 the other. And the individuals in the communities kind of get  
 44 tied up. I mean, there's only so many committees and meetings  
 45 you can attend and we felt that it would be best to try to keep  
 46 as simple as possible and to try to not, you know,  
 47 complicate the system by adding another advisory committee  
 48 within an area because there's been a lot of times when we

49  
 50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515



can't even get a quorum on the State advisory committee, let alone, you know, the Federal side.

2

3           So, we felt that it would be best to just, you know, try to keep it as simple as possible and it seems like in any one given community, there's just certain individuals that are interested in these sorts of things, you know, to start with. So, I mean, that's kind of the way we approached it. And, as the Federal system has, you know, been beginning to get in place, it actually has taken quite awhile for things to get rolling. But we're dealing with subsistence issues more and more now. In the beginning, there wasn't all that many that we dealt with. You know, it was probably a little bit slow in getting started, but now we're -- you know, especially in our area where subsistence is a big issue, you know, I can see the validity of it and, you know, we're dealing with it more and more. Does that answer your question?

17

18           MR. PEARSON: Yeah, that -- because we run into the same thing with the Middle Nenana Fish and Game Advisory Committee and you -- the exact sentiments on what you said: You're only going to find so many people from the community that are willing to participate. The only thing that we've run into is, you know, if you have a long State agenda and then you have Federal proposals on top of it, it seems like you have an eight-hour meeting. Are you having problems with that?

26

27           MR. ENTSMINGER: How we're addressing that -- of course, you know, we may be a little bit different than other communities. I think, you know, people living up north, north of the Yukon and remote areas and villages and whatnot and the difficulties of people being able to get together, we're fortunate in the respect that we do have kind of road-connected communities. So, it's a little bit easier for us to get together. And the way I've been dealing with it is that, you know, these issues are very important to the people in the communities and I don't think you make wise decisions when you have, you know, really late meetings and people get tired and a lot of critical people wander off where their input is really needed. So, I've been trying to have more meetings rather than just one or two real long meetings. But it has been difficult.

41

42           MR. PEARSON: And the last thing I wanted to ask was, our State advisory committee was mandated by the chairman of the game board at one time to rotate our meetings between the three communities. We used to have them in the middle so everybody had an equal distance to travel, but then some people said they were unable to travel. So, we were mandated to rotate our meetings. And I was wondering if you think that

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

would help on your meetings so everybody thought they were fairly represented.

2

3 MR. ENTSMINGER: Basically, when you get right down to the letter of the law, we're probably mandated to do the same thing: to have a certain number of meetings in the village areas. When I took over chairmanship, I'm the type of individual that I don't want to push anything on anybody.

8

9 MR. PEARSON: Right.

10

11 MR. ENTSMINGER: And as chairman, you know, I don't know all of the different communities, I mean, their social breakdown and that sort of thing, where they would have a meeting in the village or any type thing like that. So this is why I invited all the village members, that if they ever wanted a meeting in the village, that I would work with them to get a meeting set up. You know, they -- the person that knows the village would set up the meeting place, we'd work out a time and that type of thing. But Lee has actually been the first one that's come forward in wanting a meeting in the village, but I've always been open to it and I've always said that, you know, let me know. I mean, I might not be able to schedule the next meeting in the village, but certainly the following meeting could be held in the village that was requesting it. And this is what Lee and I are working on right now for the meeting in Northway. We talked about it and, specifically, he wanted to try to get a meeting there that dealt with proposals. So, we're having the one that deals with the spring proposals, state proposal packet, in Northway.

30

31 MR. PEARSON: Thank you, Frank. I was just wanting to know how some of the other advisory committees were dealing with it, and there is more problems behind the scenes than I think some of the people anticipate. And I just wanted to share with them some of the problems that we run up against.

36

37 MR. ENTSMINGER: Well, I have to agree with you, also, because, you know, I'm just a private individual; I have to make a living and, actually, these meetings get really involved. Like, I'm here on my own dime....

41

42 MR. PEARSON: Right.

43

44 MR. ENTSMINGER: ....for these two days. There isn't any mechanism for my time to be paid or anything like that. And, also, even the advisory committee meetings. I mean, the state is doing what they can, but they have limited budgeting, also. And people that come from the outlying villages to come

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

in for a meeting, they probably can only get paid for like two meetings during the year. But with all of these issues coming up and having to basically have an advisory committee meeting once a month during the winter months, I mean, you're not going to get paid for all of the meetings that you come to.

5  
6 MR. PEARSON: That's why I've been pushing so hard for maybe some help from the Feds. If they want to use the State System for input, I think they should be helping to support it.

9  
10  
11 MR. ENTSMINGER: I think we should solicit money from wherever, wherever we might be able to get it. It's just unfortunate because all agencies are on a budget right now. It's kind of a money-crunch time. The money doesn't just -- doesn't seem to be there. But whether I'm paid or not, I think it's important for the people of our area, for the input, and we try to have as many meetings as possible. Thank you.

18  
19 MR. LEE TITUS: Thank you, Frank.

20  
21 MR. JAMES: Mr. Chair, if it's acceptable, I'd like to add on some other comments on the subject that Mike has raised. For various reasons which I guess I could flippantly refer to as a "roll of the dice," we're in a situation now where we've got essentially a Federal-supported council system and a State-supported advisory committee system. So, in some sense of the term, I guess we could say that, you know, maybe each has a responsibility to try to work together and support their half of the deal. I can assure you as a coordinator, I can influence this to some limited degree and I'm making efforts that probably aren't very apparent yet because they're just in the start-up phase, to facilitate and enhance the communication between council business and the advisory committee business. And I can assure you that as long as I've got a speaking breath in me that our communications will improve. Small things such as an updated mailing list with, you know, the software technology that we can put out timely communications, written communications, and that sort of thing. And it's going to take some time to do it.

40  
41 So, in a sense, I don't feel that the Federally-supported council system has simply cut the advisory committees adrift and "good luck, folks." You know, we're trying to do what we can in the absence of a substantial amount of additional money to enhance that working relationship there. Such things as attending meetings. You know, it's not -- there's no rule against occasionally paying for trips, mutual trips between council and committee members if there's really a

49  
50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

large issue, a difficult issue that can be justified. I can see a time coming when the Federal system could, for instance, pay per diem for a committee member to attend a council meeting or perhaps vice versa. Now, we're not going to be in a position to simply do that every time there's, you know, some whimsical notion that it would be nice to do it. We're going to have to have a good, solid substantial issue. And we'll probably still fall short of the mark, but all I'm saying is that that possibility exists, let's not give up on it yet, and we'll do everything we can to facilitate a working relationship. Thank you.

11

12 MR. LEE TITUS: Thank you. Nobody else has anymore  
13 -- anything they want to say at this time?

14

15 MR. PEARSON: Mr. Chairman, in consideration of where  
16 we're at in the agenda right now, I'd like to make a motion we  
17 break for lunch.

18

19 MR. LEE TITUS: The motion has been made to break for  
20 lunch.

21

22 MR. CHARLIE TITUS: I'll second the motion,  
23 Mr. Chairman.

24

25 MR. LEE TITUS: Motion has been made and seconded. All  
26 in favor of the motion, say aye.

27

28 ALL MEMBERS: Aye.

29

30 MR. LEE TITUS: Opposed. (Pause.) Lunch break till  
31 1:00 o'clock.

32

33 (Off record; 11:15 o'clock a.m.)

34 (On record; 1:00 o'clock p.m.)

35

36 MR. LEE TITUS: Call the meeting back to order. If  
37 there was anybody that wasn't here this morning that would like  
38 to make public comments on anything that they wish to do so,  
39 there's forms to fill out there and we'll put your name on the  
40 list for public comments. And going on, the next item on the  
41 agenda is the Operations Manual. Maybe Dave can give a little  
42 brief....

43

44 MR. JAMES: Thank you, Mr. Chair. I'd like to ask  
45 Mr. Bill Knauer to come forward and help us with this  
46 discussion. Bill has what you could call a working familiarity  
47 with this document and he'd be glad to fill you in on the  
48 details.

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. KNAUER: Each of you should have received a blue-  
 2 covered preliminary draft version to look at and over the past  
 3 month or so, we've received a number of comments on that  
 4 document. Those comments were then taken and incorporated into  
 5 this final draft document which you now have in front of you.  
 6 There have been numerous editorial changes to try and improve  
 7 the readability and clarity of the document. There has been a  
 8 chart added on page 5 that shows the flow of information to the  
 9 Federal Subsistence Board, emphasizing the importance of the  
 10 Subsistence Regional Advisory Councils. The recruitment period  
 11 has been modified to close on April 1 as opposed to April 15 to  
 12 provide a more timely process but still provide for adequate  
 13 opportunity for individuals. And there are a few other changes  
 14 that are highlighted on the very first page on the inside of  
 15 the cover. We're hoping that this document, when it is final  
 16 and approved by the board, will provide a very workable and  
 17 usable document by the council members. And I'd be certainly  
 18 glad to answer any questions and take back any comments that  
 19 you might have on it.

20

21 MR. ROACH: Excuse me, Mr. Chairman.

22

23 MR. LEE TITUS: Yes.

24

25 MR. ROACH: Mr. Knauer, on page 13, it talks about the  
 26 Regional Council charters. We also received a separate -- what  
 27 looks like the same information. Is that just something that  
 28 was taken out, or are there changes between the two?

29

30 MR. KNAUER: That is pretty much the same material that  
 31 was taken out because you will be dealing with the charter  
 32 renewal and review. As a matter of fact, that's the next item  
 33 on your agenda.

34

35 MR. LEE TITUS: Any more questions? This is the final  
 36 draft, right?

37

38 MR. KNAUER: This is the final draft in that what we  
 39 mean by that is any of the comments that are received from the  
 40 Regional Council meetings will be taken and there may be a few  
 41 agency comments that will be incorporated. And then those will  
 42 be melded into the document and it will be presented to the  
 43 staff committee and board for board approval; after which it  
 44 would be a final document.

45

46 MR. LEE TITUS: Yes, David?

47

48 MR. JAMES: Mr. Chair. Bill, maybe you could clarify

49

50

#### R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

something here. If the Council were to take action now and approve it the way it is, then, I assume then that subsequent changes would not be made like you said possibly from agency -- other agencies or something? I'm not clear on that.

4

5 MR. KNAUER: This same document is being examined by  
6 all of the Regional Councils. There's a possibility that some  
7 of the other Federal agencies may have some additional  
8 comments, maybe some clarity changes. I don't anticipate  
9 anything major, but they could have. And so what would happen  
10, we would take the comments that originate at this meeting  
11 and the other nine council meetings and any comments that come  
12 from the other Federal agencies to place into the final  
13 document. In fact, it was pointed out to me that there is one  
14 place in here where I've got a disagreement between the table  
15 and the text, so I've got to go back and just make that minor  
16 change.

17

18 MR. LEE TITUS: Yes, David?

19

20 MR. JAMES: Will there be one Operations Manual for all  
21 councils or can there be some differences between the different  
22 councils?

23

24 MR. KNAUER: I would not -- I don't think that it would  
25 be impossible to have different ones, but I think the  
26 preference would be to have a single one that is agreeable to  
27 all groups for consistency. Thus far, I have not heard of any  
28 specific regional differences or regionally-specific items that  
29 would like to have been included in this.

30

31 MR. LEE TITUS: So you don't think there will be very  
32 much changes after -- if this is approved by the Council, by  
33 the board?

34

35 MR. KNAUER: I don't think there will be. I could be  
36 wrong, but I don't anticipate a lot of other changes. I have  
37 not heard of much.

38

39 MR. LEE TITUS: Good. Yeah. The reason I ask this is  
40 because that was brought up one time at one of our meetings  
41 back home, was the -- there was support of the Regional  
42 Councils in making decisions, but they were kind of leery about  
43 having the board make policies concerning subsistence because  
44 they didn't feel that either BLM or the Park or whatever  
45 agencies had the right kind of information to make decisions  
46 concerning subsistence issues. But that was just one of the  
47 things that was brought up. We're on the Operations Manual  
48 now, Mike Pearson. Well, I guess we can just -- if there's no

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

other questions, we can probably adopt the manual.

1

2 MR. ROACH: Mr. Chair, I'd like to make a motion that  
we adopt the Operations Manual, as written.

4

5 MR. LEE TITUS: Motion to adopt the manual.

6

7 MR. GUSTAFSON: I'll second.

8

9 MR. LEE TITUS: Second. Discussion? Hearing none, all  
10 favor of adopting the Operations Manual, say aye.

11

12 ALL MEMBERS: Aye.

13

14 MR. LEE TITUS: Opposed? (Pause.) Council Charter.  
Who is going to do this one? You were going to do this one,  
16o?

17

18 MR. KNAUER: (Nods head.)

19

20 MR. LEE TITUS: I thought we went through this at our  
21st meeting, but what we did -- we just kind of like went  
22 through the different -- okay.

23

24 MR. JAMES: Mr. Chair,....

25

26 MR. LEE TITUS: Yes.

27

28 MR. JAMES: ....you're correct. We did spend quite a  
29t of time on it at the last meeting primarily because it was  
30 the first meeting of the Council and this is the official  
31 document that establishes the Council. What you are about to  
32 receive now again from Mr. Knauer is an introduction to the  
33 process that has to take place every two years. These charters  
34 have to be renewed every second year and this will expire as of  
35 December of this year. So, we felt it was appropriate to bring  
36 up at this time and begin that process. The thing is, there  
37 are some parts of the charter that can be modified by the  
38 Council, if you wish to do so. And before I say any more and  
39 stick my foot in my mouth, I think I'll turn it over to Bill  
40 and he'll explain the ins and outs of the input that you could  
41 have in that renewal process.

42

43 MR. KNAUER: Thank you, Dave. You're absolutely  
44 correct. The charters for a group that is under the Federal  
45 Advisory Committee Act, as is this and all of the other  
46 councils, have to have their charters renewed every two years  
47, in some of them that are established by legislation it  
48 might be a little different, but essentially every two years.

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

And it hinges on the date of the act that enables those groups. In this case, it would be the Alaska National Interest Lands Conservation Act which was signed on December 2nd of 1980. So every two years, even numbered years, is when this charter renewal process would have to take place. And much of the material in the charter is pro forma. In other words, it's pretty much standard material, and from that, then, is developed the regulations.

8

Currently, though, there are a number of items that this Council could affect a change on and what would happen is you would make a recommendation to the chair of the board that you recommend that these particular items be changed; the board would then consider it and make their recommendation to the secretary. And those items that could be changed are found on the second page of the hand-out that Mr. Roach was referring to, towards the bottom, and they would be relative to a name change, a boundary change, the size of the council membership, specific Subsistence Resource Commission appointments, and that particular issue, if that is of concern, would be done in coordination with the Park Service and the revision of the Subsistence Resource Commission charters, and then, lastly, the criteria for removing a council member. The other items are more or less set in regulation or are pro forma or boiler-plate type of items.

25

MR. LEE TITUS: Can we jack up the numbers on No. 7?

27

MR. KNAUER: The question as to where the estimated operating costs come from has been asked before and essentially how that was derived is I took the estimated costs of the number of council members, the number of meetings for every council, the cost of support for the coordinators, the additional costs of producing a transcript and the court reporters, and so on, and just divided it by ten since there are ten councils. It is merely an estimate. It is not related to what is available for having your council meetings or anything like that. It is a figure that was derived on paper place in this document.

39

MR. CHARLIE TITUS: Bill, a question on No. 8, at the bottom, "...the regional coordinator also approves the agenda." What does -- am I making -- reading there or what....

43

MR. KNAUER: No, that is correct. That is written in the Federal Advisory Committee Act itself, but that is a matter of law that....

47

MR. CHARLIE TITUS: It doesn't make any difference what

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515



the chair or anyone of the -- we don't have to approve it, right?

2

3 MR. KNAUER: In a practical sense, the coordinator  
4 would work with the chair, but in a legal sense, the  
5 coordinator has to actually approve it.

6

7 MR. CHARLIE TITUS: So, he could throw out anything he  
8 wants on the agenda, right? Am I correct?

9

10 MR. KNAUER: Technically, you are. I don't think that  
11 it would be wise for a coordinator to proceed in that manner.

12

13 MR. CHARLIE TITUS: I was just wondering. This seems  
14 kind of -- I've never been on a council or board that -- I  
15 don't know.

16

17 MR. PEARSON: You don't like that, huh, Charlie?

18

19 MR. CHARLIE TITUS: No, I just -- I guess that's a  
20 Federal thing or government.

21

22 MR. LEE TITUS: I know we're going to talk about  
23 council recruitment later on, but under No. 9, "Membership," it  
24 says, "Members shall be appointed by the Secretary of the  
25 Interior and the Secretary of Agriculture based upon the  
26 commendations of the Federal Subsistence Board." Are you  
27 saying that the Federal Subsistence Board will send in  
28 commendations to the Secretary of Interior and Agriculture?

29

30 MR. KNAUER: Yes, Mr. Chair, that is, in fact, what  
31 happened with this group. The applications that all of you  
32 sent in or nominations were reviewed by a panel of individuals,  
33 community leaders were contacted, corporate organizations were  
34 contacted, and then a recommendation was made to the board.  
35 The board then sent a package to the Secretary of the Interior  
36 commending each of you for membership on this council.

37

38 MR. JAMES: Mr. Chair, I guess in the interest of not  
39 getting too tangled up in our agenda here, the question really  
40 that's being addressed for the charter is the number of members  
41 on the council, period. The other issues revolving around the  
42 choice of the members, what that process is and so on and so  
43 forth would certainly come up under the next item, "Council  
44 Member Recruitment and Nominations." So, just as a suggestion  
45 sort of keep on track and decide what you want to do with  
46 the council charter, really, it's pretty limited in that  
47 respect. Now, the charter is the number of members, but what  
48 that means, essentially, is, Are you satisfied with the number

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

of members you presently have? Should it be fewer? Should it be more?

2

3 MR. LEE TITUS: I don't have any problems with the nine  
4 members.

5

6 MR. PEARSON: No, I don't.

7

8 MR. LEE TITUS: So long as we all show up at the next  
9 meeting.

10

11 MR. PEARSON: The bigger the numbers, the harder it is  
12 to have a quorum.

13

14 MR. LEE TITUS: Yeah, really. So, if we adopt this  
15 charter -- I know we adopted this charter at our first meeting  
16 just to have something to go on, you know, for the record. But  
17 if we adopt this charter again at this meeting, that'll be for  
18 the next year, right? For the next two years?

19

20 MR. KNAUER: What I would suggest, Mr. Chair, if you  
21 pretty much like this the way it is, make the recommendation  
22 that the board recommend no changes in this charter and have a  
23 renewal of this charter, as is.

24

25 MR. LEE TITUS: All right. Question?

26

27 MR. PEARSON: Make the motion.

28

29 MR. LEE TITUS: You make a motion to that effect?

30

31 MR. PEARSON: I was trying to think of the exact  
32 wording, but I'll make the motion that we accept this here  
33 Regional Advisory Council Charter as read -- as stated.

34

35 MR. LEE TITUS: As written?

36

37 MR. PEARSON: Yeah.

38

39 MR. LEE TITUS: And what was the second part of that,  
40 that it be instated for the next two years? Two years. Okay.

41

42 MR. PEARSON: All right. And also be instated for the  
43 next two years.

44

45 MR. LEE TITUS: Motion on the floor?

46

47 MR. ROACH: I'll second the motion.

48

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. LEE TITUS: Seconded by Jeff. Discussion?  
2 MR. GUSTAFSON: Yes, Mr. Chairman.  
3  
4 MR. LEE TITUS: Yes?  
5  
6 MR. GUSTAFSON: Would that be on the date it was --  
7 From what date would that be? February 9th or January 19th?  
8  
9 MR. KNAUER: It would go from the two years from  
10 December. The renewal date is actually December 2nd, which  
11 hinges on ANILCA, the date of passage of that act.  
12  
13 MR. ROACH: That's December 2nd, 1994, correct? This  
14 coming December?  
15  
16 MR. KNAUER: Right. It will be December 2nd in even-  
17 numbered years, so '94 being an even-numbered year.  
18  
19 MR. ROACH: Oh, okay.  
20  
21 MR. KNAUER: But it takes awhile for us to go through  
22 the process of putting the paperwork together and sending it in  
23 and having it all reviewed and finally getting signature.  
24  
25 MR. LEE TITUS: All that process takes about a year.  
26 Dave?  
27  
28 MR. JAMES: Mr. Chair, if my memory serves me right, I  
29 recall at the last meeting there was some discussion on the  
30 criteria for removing a member and I just wanted to bring that  
31 subject up just in case it might remind somebody. I don't  
32 know, I don't want this to slip by the cracks -- fall through  
33 the cracks in the floor here before you've discussed it. I may  
34 not be remembering correctly, but I thought it was something  
35 that was discussed and I -- if none of the members here  
36 remember it, then it's okay, but....  
37  
38 MR. ROACH: Mr. Chairman?  
39  
40 MR. LEE TITUS: Um-hum?  
41  
42 MR. ROACH: I think I also recall the discussion we  
43 had. It centered around the fact that under "Removal of  
44 Members," if a member misses three consecutive regularly  
45 scheduled meetings, then they could be recommended for removal.  
46 And it was brought up that three meetings is -- if we have  
47 only have two meetings a year, three meetings would be half of  
48 the meetings for a three-year term and that seemed rather  
49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

excessive, as I recall the way the discussion was presented.

1

2 MR. PEARSON: Well, that'd be a year and a half or --  
3 so, what you're saying is maybe you'd like to make that a two-  
4 meeting policy instead of a three-meeting policy?

5

6 MR. ROACH: I don't have a recommendation right now as  
7 to which way I'd want to go, but we did discuss it and bring it  
8 up. That was the way I was leaning when we talked about it at  
9 the last meeting, was have it two meetings instead of three  
10 consecutive regularly scheduled meetings simply because if  
11 they're going to miss three consecutive meetings, like you say,  
12 Mike, they're missing a year and a half out of three-year term.

13

14 MR. CHARLIE TITUS: Half their term would be up.

15

16 MR. ROACH: Half their term would be up.

17

18 MR. PEARSON: Is that something we could easily change?

19

20 MR. KNAUER: I think Council could certainly recommend  
21 that that be one of the changes to be put in place for the  
22 renewed charter.

23

24 MR. LEE TITUS: We ought to amend the charter that we  
25 first adopted.

26

27 MR. PEARSON: Well, let's see, we didn't take a vote  
28 to adopt it.

29

30 MR. JAMES: This is still in the discussion, Mr. Chair.

31

32 MR. GUSTAFSON: We're still on discussion.

33

34 MR. LEE TITUS: Oh, it's still on discussion. Oh,  
35 okay. Okay.

36

37 MR. PEARSON: I mean, I don't know how the rest feel  
38 about it either. I mean, it's just discussion right now.

39

40 MR. LEE TITUS: Yeah, I have the same feeling.

41

42 MR. CHARLIE TITUS: Yeah, I feel....

43

44 MR. GUSTAFSON: Mr. Chairman, okay, like if something  
45 comes up like a special meeting now, we have to make exceptions  
46 that. Like if there is a special -- like if something  
47 spectacular happens where it requires another meeting and you  
48 miss it or you're not able to attend, you should make an

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

exception to that.

1

2 MS. PETRUSKA: Does this include the teleconferences?

3

4 MR. GUSTAFSON: I mean, but not for....

5

6 MR. PEARSON: No.

7

8 MR. ROACH: The way I read it, it's only regularly  
9 scheduled meetings and right now....

10

11 MR. GUSTAFSON: Right.

12

13 MR. ROACH: ....we only have two regularly scheduled  
14 meetings per year unless we decide to change that, if I  
15 understand it.

16

17 MR. PEARSON: That's how you could word it, "Regularly  
18 scheduled meetings."

19

20 MR. GUSTAFSON: Right.

21

22 MS. PETRUSKA: I'd like to see it changed to two  
23 meetings. I think it's important that we show up. I don't  
24 think they should miss that many meetings.

25

26 MR. PEARSON: Maybe I could change my motion, then, to  
27 reflect this here on No. 9. Is it No. 9 there that's -- yeah,  
28 under No. 9, repeated absences. Maybe we could make that two  
29 scheduled regular meetings.

30

31 MR. LEE TITUS: So everything in your motion stands  
32 except No. 9 is....

33

34 MR. PEARSON: Yeah.

35

36 MR. LEE TITUS: ....changed from -- okay.

37

38 MR. ROACH: Mike, would that be just changing the word  
39 "three" to "two" as written?

40

41 MR. PEARSON: Three years. It says the term of office  
42 three years, except the initial appointment (mumbled speech;  
43 reading quickly to himself). Where did you see three? It's  
44 right there....

45

46 MR. ROACH: It's on page 3, center of the page,  
47 "Removal of Members." In the charter itself. Page 3, center  
48 the page.

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. PEARSON: All right. If Council....  
2  
3 MR. LEE TITUS: Change three to two, right?  
4  
5 MR. PEARSON: Yeah, that sounds good to me. Two  
6 consecutive regularly scheduled meetings.  
7  
8 MR. JAMES: Mr. Chair?  
9  
10 MR. LEE TITUS: Yes?  
11  
12 MR. JAMES: Selina, could you clarify for me -- I'm not  
13 sure I understood what you said. Did you mean that you felt  
14 the members should miss no more than two in a row?  
15  
16 MS. PETRUSKA: Yes.  
17  
18 MR. PEARSON: After missing two, you'd be discussed as,  
19 you know, maybe action for removal; whereas now it's three.  
20  
21 MR. LEE TITUS: So you got all that down for the  
22 record?  
23  
24 MR. JAMES: Almost, Mr. Chair. I'm trying to get  
25 caught up.  
26  
27 MR. ROACH: Mr. Chair, as soon as David's finished, if  
28 he would read that back to us and we'll all be in understanding  
29 of what it says.  
30  
31 MR. LEE TITUS: Okay. Any more under discussion?  
32 We'll wait for the final....  
33  
34 MR. JAMES: Mr. Chair, the problem with these machines  
35 is that they do what you tell them instead of what you want  
36 them to do, so....(pause). Mr. Chair, what I have here is a  
37 motion to adopt the Council Charter as written with the  
38 modification to Item 9 under "Removal of Members" to read: If  
39 a council member appointed under paragraph 9 misses two  
40 consecutive regularly scheduled meetings, et cetera, et cetera.  
41  
42 MR. LEE TITUS: All right.  
43  
44 MR. JAMES: That's the way the motion was read.  
45  
46 MR. LEE TITUS: Okay. Everybody understands now?  
47 Charlie?  
48  
49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. CHARLIE TITUS: Um-hum (affirmative).

1  
2 MR. LEE TITUS: Okay. No more discussion. All in  
3 favor of the motion, signify by saying aye.

4  
5 ALL MEMBERS: Aye.

6  
7 MR. LEE TITUS: Opposed? (Pause.) Next is the  
8 Council Member Recruitment/Nominations."

9  
10 MR. PEARSON: That's on the back of this blue one,  
11 isn't it?

12  
13 MR. LEE TITUS: This sheet right here. We discussed  
14 this at our last meeting, too, right?

15  
16 MR. PEARSON: Mr. Chair, if I might ask David James, if  
17 you knew somebody that'd be really good to serve, is it  
18 legitimate to send in their name to maybe be contacted for  
19 serving on the council under this form?

20  
21 MR. JAMES: Yes. Mr. Chair. To answer your question,  
22 we, we will do our best to gather in as much interest as  
23 possible, is a generic way to say that, I guess. But, yeah, if  
24 you have ideas or suggestions, I would do what I can to help  
25 you, you know, contact those people and find out if they are  
26 interested. Did I answer your question?

27  
28 MR. PEARSON: Well, I mean, like if you had somebody  
29 that you think would be interested, if you filled this out and  
30 your knowledge of the person's interest and involvement and  
31 then send it in and then somebody could contact them and see if  
32 they'd be interested in serving, and what else they might add  
33 to it.

34  
35 MR. JAMES: Yes. Frankly, I guess, it would be  
36 probably most efficient if a person was contacted ahead of time  
37 to find out if they'd be willing to serve, frankly. Just in  
38 the interest of saving a lot of -- not doing a lot of extra  
39 work. I mean, we could put in a lot of time and effort to try  
40 and get somebody interested and contact them at some point in  
41 the process and they say that no, they're not interested.

42  
43 MR. PEARSON: Okay.

44  
45 MR. JAMES: That's a suggestion. I'm not telling you  
46 what -- you know, how you ought to do it. I guess -- I'm  
47 sorry, I was kind of behind the eight-ball here. I didn't have  
48 the blue sheet so I was not ready to respond to Mr. Chair when

49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

you initiated the discussion. As you can see, Bill Knauer hasn't left yet and that's a good reason for I'd ask him to stay for this discussion, also. And Bill can lead quite a bit of this discussion or, certainly, he can answer questions that you have relative to it.

5

6 Just a brief introduction, as you know or may not know, when these original selections were made, they were made with staggered appointment dates and that was so that we'd have a turn-over of one-third of the Council each year, thereby maintaining continuity. So, although we have some members that were on only for a year, three of you on this council, it's now time to re-appoint or to appoint somebody else to those seats. Once those appointments are made, it will be for three years, though. The same when we -- the appointments made for next year will also be three years and, at that point on, every seat then will be into the three-year cycle and we'll have, you know, three of them expire in each year.

18

19 So, the process we hope to have done in time to have the members, current members re-appointed or new members appointed in time for the fall meeting. Our target date is approximately the month of August and that's why we have to start this process now this early in the year because this all, of course, takes time to go through the various steps. We're going to be doing a comprehensive, we hope, publicity activity to try to let people know that this process is going on. We'll be contacting various communities and organizations and that sort of thing in order to solicit nominations and applications. Bill, is there anything that you would like to say about this process that could round out the picture at this point?

31

32 MR. KNAUER: Two things. Even though we are going to try and do a very widespread recruitment effort and mail-outs, you folks are on the ground, in the communities talking to individuals. We would hope you also would alert people, especially if you have ideas of individuals that might be very well qualified or areas that you feel might be inadequately represented in your region and get applications or encourage individuals to make application. The other thing is three of our members' - Mr. Pearson, Mr. Gustafson, and Mr. Adams - terms expire. If any of those individuals desire to continue, they also need to fill out the application and compete, also. It is not like the Congress where once you're in, you're in forever. But we would hope that we would get a lot of applications in every region to look at and to pick from. And what we have on the back of this one sheet, you'll notice, identify which positions and where the individuals -- the community that the individuals are from to try and help you and

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515



help the public determine who they might wish to recommend or apply. The closing date for applications is April 1.

2  
3 MR. LEE TITUS: So, we're just going through the same  
4 process that was earlier -- they earlier went through to get  
5 this board on, right? The very same process.

6  
7 MR. KNAUER: That's exactly right, for one-third of  
8 our council.

9  
10 MR. LEE TITUS: Right. For one-third of the seats.

11  
12 MR. ROACH: Excuse me, Mr. Chair. And that will be an  
13 annual requirement? I mean, annually, there will be somebody  
14 that's up for renewal, so this will be an ongoing process.  
15 It's not just one time for the next two years.

16  
17 MR. KNAUER: That's correct.

18  
19 MR. ROACH: It's an annual requirement.

20  
21 MR. LEE TITUS: It states here that their terms are up  
22 '94. What month would that fall under?

23  
24 MR. PEARSON: August.

25  
26 MR. ROACH: August.

27  
28 MR. JAMES: Correct, it's August.

29  
30 MR. LEE TITUS: August?

31  
32 MR. PEARSON: Yeah, it says on the front there, "Seats  
33 will expire August, '94," so I suppose it's August every year  
34 and then....

35  
36 MR. LEE TITUS: Okay. So, if we don't have a meeting  
37 before August and some of these guys don't get back on,....

38  
39 MR. PEARSON: Tomorrow could be our last day.

40  
41 MR. LEE TITUS: Tomorrow might be -- not "our." "My."

42  
43 General laughter.)

44  
45 MR. LEE TITUS: You're the only here that's -- oh,  
46 James is here, too.

47  
48 MR. PEARSON: Me and James.

49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. LEE TITUS: James is here, too, yeah. And Clifford  
 2 Adams.

3  
 4 MR. CHARLIE TITUS: Excuse me, Mr. Chair,....

5  
 6 MR. GUSTAFSON: Unless we have a special meeting or  
 7 something.

8  
 9 MR. CHARLIE TITUS: We have -- it says on the advisory  
 10 Council nominations -- do we nominate someone or is it just up  
 11 to the individual....

12  
 13 MR. KNAUER: It's a....

14  
 15 MR. CHARLIE TITUS: ....to make a recommendation?

16  
 17 MR. KNAUER: ....multifaceted process: an individual  
 18 can apply or an individual can be nominated either by an  
 19 organization or another individual. If an individual is being  
 20 nominated, it would certainly behoove the nominating source to  
 21 check with that individual to see if it is acceptable that  
 22 their name be sent in. That would only be appropriate and  
 23 courteous.

24  
 25 MR. CHARLIE TITUS: We, as council members, can't  
 26 nominate them?

27  
 28 MR. KNAUER: Certainly. You as council members could  
 29 you, as a council, could.

30  
 31 MR. GUSTAFSON: I have a question, Mr. Chairman.

32  
 33 MR. LEE TITUS: James.

34  
 35 MR. GUSTAFSON: Like what happens like if a member is  
 36 away attending school or something like that but is a resident  
 37 of the region? Would they -- and they are -- could they still  
 38 be a member then? It says right here requirements for a  
 39 resident of the region. Like if they were Outside going to  
 40 school or something like that, that's another question that  
 41 might arise like....

42  
 43 MR. KNAUER: They do qualify if their primary residence  
 44 is within the region.

45  
 46 MR. LEE TITUS: I'm kind of -- let me see. Charlie  
 47 asked a question earlier about a council nominating a person.  
 48 What's the possibility of after reviewing all the people that

49  
 50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

send in their application to be on the board, the Council recommending to the Federal board names instead of nominating a certain person?

3

4 MR. KNAUER: There is that possibility, however with  
5 three of the members in this council or, you know, with a third  
6 of the members in every council, there could be a sensitive  
7 situation develop in a council where maybe an individual was  
8 very well regarded but not deemed to be representing the  
9 interests of the area or serving and a council did not wish to  
10 offend or something. You know, there's nothing that prohibits  
11 it, let me put it this way. It's something that you may want  
12 to, as a council, think very deeply about before you proceed.  
13 You may highly recommend -- you know, there may be someone that  
14 does a really super job, there may be someone that does an  
15 adequate job, there may be someone that doesn't do the job or,  
16 you know, any combination. But it may be very difficult a  
17 matter to discuss as a council, but that's up to you.

18

19 MR. JAMES: Mr. Chair, a couple of discussions ago we  
20 started on this topic and I suggested putting it off at the  
21 time until we got to where we are now. I had a sense that -- I  
22 can't remember who it was now, somebody was asking what are the  
23 steps in the recommendation process for nominations on up  
24 through selection by the secretary. If that was what you were  
25 interested in, whoever you are - I can't remember now, I'm  
26 sorry - I'm sure Bill could give, you know, a review of that  
27 process if that is what you want right now.

28

29 MR. LEE TITUS: Sure. So we'll all remember it the  
30 next time.

31

32 MR. JAMES: Be sure and take notes.

33

34 MR. KNAUER: Actually, in the green version of the  
35 manual even though it's still draft, it's on page 33, there's a  
36 table there that addresses, among other things, member  
37 recruitment. And you'll notice the first aspect is that the  
38 member recruitment starts and then ends on -- starts in mid  
39 January and ends on April 1st. Between April 1st and April  
40 30th, the applications are reviewed, references are contacted,  
41 organizations, local leaders are contacted as far as references  
42 because we're looking for individuals like yourselves that are  
43 knowledgeable of the resources, that are respected in their  
44 areas, that have a high level of credibility within the  
45 community, and also have good communication skills. Those are  
46 all items that we believe necessary for a good council member  
47 and a good council. And at that point, a recommendation is  
48 made by a panel of individuals to the staff committee who looks

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

at that and then passes it on to the Federal Subsistence Board who, in a closed session, examines those and then makes their recommendation to the secretary.

3

4 We're hoping to have the Federal Board make their  
5 recommendation about mid May, about May 15th, to the secretary  
6 and having the letters of appointment issued by the first of  
7 October.

8

9 MR. ROACH: Excuse me, Mr. Chair. One thought that I  
10 just had was the staff committee is made up of members of  
11 different agencies. Is that correct, Mr. Knauer?

12

13 MR. KNAUER: That's correct.

14

15 MR. ROACH: Would it be possible or even feasible for a  
16 member selected by the Council of the Council to sit with that  
17 committee when they are making that decision?

18

19 MR. KNAUER: I can't give you a yes or no answer. We  
20 could ask the staff committee on that and get back to you.

21

22 MR. LEE TITUS: There's August, September, October.  
23 Two months. I'm questioning if for some unknown reason that we  
24 decide to call a meeting in September, like a term expires in  
25 August and you don't make a final announcement for the seat  
26 until October, is the old guy still sitting in until the final  
27 announcements or what?

28

29 MR. KNAUER: The date October 1st in there is just a  
30 guesstimate of what we did. You'll notice that in this table,  
31 the board is submitting the recommendation to the secretary on  
32 May 15th. Hopefully, the secretary would sign it well before  
33 October 1, but we never know how long things will take in  
34 Washington, D.C.

35

36 MR. LEE TITUS: Let's go down there with ten....

37

38 MR. JAMES: Well, I guess....

39

40 MR. KNAUER: That didn't answer your question, but....

41

42 MR. LEE TITUS: No.

43

44 MR. KNAUER: ....we haven't discussed that.

45

46 MR. LEE TITUS: Yeah, I was just wondering about that  
47 because it seemed like a little opening there between months of  
48 the seat. I think instead of term expires August, they should

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

just stay on the seat until the announcement is made or something.

2

3 MR. PEARSON: Well, that sounds legitimate.

4

5 MR. LEE TITUS: The reason I'm saying that is because we don't know when we're going to have our next meeting, you know. We don't know. Something might come up where we might have to get together. You know, when you're dealing with subsistence, there's always some issues that you have to take action right now. And in cases like that, I'd like to have a full board representation of full council and we can't have a full council if three of the members are not going to make the meeting. Yes?

14

15 MR. JAMES: Mr. Chair, you've asked a very good question and we don't have an answer for it. I'll make a commitment that we'll research this and find out what the legality is just so that I can get an answer back to you, you know, well before the next meeting. As soon as I find out, I'll let you all know.

21

22 MR. LEE TITUS: Okay.

23

24 MR. KNAUER: Mr. Chair, currently, your charter is written on specific terms. This is going back to the previous meeting. One of the recommendations that you could make is that the charter have the statement included in it that a member would serve the length of term, but would continue to serve until replaced.

30

31 MR. LEE TITUS: Um-hum.

32

33 MR. KNAUER: And that way you might avoid that gap situation that could exist in the future. Mr. Twitchell made reference that the Subsistence Resource Commission charters are written in that manner.

37

38 MR. JAMES: Mr. Chair?

39

40 MR. LEE TITUS: Yes?

41

42 MR. JAMES: A question for Bill. I guess the question is, Is it necessary to do that or not? Maybe there's already some provision that, you know, somebody is not automatically off come August 11th. And I don't know the answer to that.

46

47 MR. KNAUER: I don't know, either. We can research that for you.

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. LEE TITUS: Okay. Any more questions concerning  
 2 the recruitment? Is there anything else you'd like to add,  
 3 Bill?

4  
 5 MR. KNAUER: No.

6  
 7 MR. LEE TITUS: Okay. Thank you. Oh, under the  
 8 recruitment, we were -- Jeff wanted to (inaudible; whispered  
 9 conversation with Mr. Roach).

10  
 11 MR. ROACH: Yes.

12  
 13 MR. LEE TITUS: You could do that now.

14  
 15 MR. ROACH: I have received some mailings, one of them  
 16 was our proposal analysis and if you turn to the page that  
 17 lists the advisory council and our names are listed there. I  
 18 would like to make a motion that members of the Council have at  
 19 minimum their address available to the general public so that  
 20 it can be put out in this and I would also like to see phone  
 21 numbers included in this. The reason that I would like to make  
 22 that motion is that I've been contacted by people that have  
 23 seen my name in this book from areas that I may not know a  
 24 whole lot about, but there might be another council member  
 25 here that somebody doesn't know how to get in touch with  
 26 because their name or their address and/or phone number is not  
 27 listed. I think if you're going to serve on the Council, then  
 28 you should be open to the public, you should be available to be  
 29 contacted. So, I'd like to put that in a formal motion.

30  
 31 MR. CHARLIE TITUS: Mr. Chair, may I comment on that?  
 32 I recall -- I remember David called us and asked to see if we  
 33 wanted to have our address printed and I choose not to because  
 34 I didn't want to -- if I was to be contacted, he would forward  
 35 on to me if it was anything of interest, personal interest  
 36 me. I'm not sure if you want it to be printed in there, but  
 37 it's all right with you, I don't really -- well, either  
 38 way,....

39  
 40 MR. LEE TITUS: Motion on the floor?

41  
 42 MR. PEARSON: Well, I -- can I just cover discussion  
 43 maybe just a minute more?

44  
 45 MR. LEE TITUS: If we don't have a second, we don't  
 46 even need to talk about it.

47  
 48 MR. PEARSON: I'll second the motion so we can have

49  
 50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

discussion.

1

2 MR. LEE TITUS: Okay. It's been moved and seconded.  
Okay. Discussion. Go ahead.

4

5 MR. PEARSON: I mean, I see pertinent on both sides of  
the question. I mean, I think people ought to be able to  
contact us and I personally don't have no problem with the  
phone number and address, but then I can respect what Charlie's  
saying. If he doesn't want to be served and the people can get  
a hold of us through David James, so I guess to me, I can see  
both sides of the coin. But I think that if somebody doesn't  
want to have their name and address for personal reasons in the  
book, I mean, I think we should be able to be contacted. But  
if they don't want to have their name and address or phone  
number in the book, then, I guess that would have to rule, you  
know, take precedence. Now, you can call for a vote or  
whatever you want to.

18

19 MR. CHARLIE TITUS: On the other hand, Mr. Chairman, if  
20 may, ....

21

22 MR. LEE TITUS: Yeah.

23

24 MR. CHARLIE TITUS: ....he's got a legitimate reason --  
purpose there because we are public figures. We're nominated  
by the Secretary of the Interior. We should recognize that if  
people want to contact us, they should contact us in our homes.  
25 Maybe not send a bomb.

29

30 General laughter.)

31

32 MR. ROACH: I never gave that much thought, Charlie. I  
hope it doesn't give anybody any ideas.

34

35 MR. CHARLIE TITUS: But an individual out there may  
want something from -- a suggestion or comments or something  
about subsistence or something that concerns the Council.  
Maybe something we could answer. But that's what I thought.  
Maybe David James is there to answer the question.

40

41 MR. LEE TITUS: They'll call and ask us about the  
wolves.

43

44 MR. PEARSON: They're doing fine.

45

46 MR. CHARLIE TITUS: It don't matter to me either way,  
47 ....

48

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. ROACH: I'll just say so far all of the comments,  
the calls that I have received have been positive, so....

2

3 MR. CHARLIE TITUS: That's good.

4

5 MR. GUSTAFSON: Well, Mr. Chairman, I don't think it  
makes much difference to me, but I mean like Charlie says if  
you're going to be harassed, you know, at least there could be  
a little bit of a buffer there. I think that's what you were  
thinking about, right? Like if somebody was going to harass  
you or something like that? But I don't think so. I know that  
our subsistence issues can be pretty controversial at times.  
Some people might not want to be harassed at certain times, you  
know.

14

15 MR. LEE TITUS: David?

16

17 MR. JAMES: I'm sorry, were you finished, James?

18

19 MR. GUSTAFSON: Yeah.

20

21 MR. JAMES: Bill just reminded me a short while ago  
that in the final analysis, the Council doesn't have the  
authority to require everybody to disclose their address and  
phone numbers, just to make sure you understand that. You  
certainly can pass the recommendation. I think it's real  
healthy to discuss it, both the pros and cons. But the way  
Federal law is, I think the Federal Privacy Act, if I've got it  
right, you know, makes it possible for a person to maintain  
that privacy if they wish to.

30

31 MR. PEARSON: So much for the motion, huh?

32

33 MR. JAMES: Well, but there are motions for  
34 commending....

35

36 MR. PEARSON: But you can make -- yeah, you can change  
37 to a recommendation.

38

39 MR. ROACH: Right, and that's what I was trying to do.  
40 I guess I just didn't say it in the proper term. Because,  
you're right, there is always protection there through that  
Act. But it just seems that....

43

44 MR. CHARLIE TITUS: Well, I don't know, by looking at  
45 here, you're split either way. Maybe we should just leave  
46 alone. We only have four, maybe four -- three, four.

47

48 MR. PEARSON: I think we ought to table....

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515



1 MR. LEE TITUS: Yeah, my phone is already ringing off  
the hook.

3  
4 MR. PEARSON: I call for the question, you know, on  
Jeff's recommendation.

6  
7 MR. LEE TITUS: Okay.

8  
9 MR. PEARSON: And then that way, I mean, let the chips  
fall where they may.

11  
12 MR. LEE TITUS: There's a privacy law, okay, that's in  
the Federal privacy law, okay, and now we're making a  
recommendation.

15  
16 MR. PEARSON: All it would be is a recommendation that  
the council members make their address made to the public.  
Isn't that basically what you had in mind, Jeff?

19  
20 MR. ROACH: Um-hum (affirmative).

21  
22 MR. LEE TITUS: Okay. But it's up to the  
individual....

24  
25 MR. PEARSON: You bet.

26  
27 MR. LEE TITUS: It's up to the individual....

28  
29 MR. PEARSON: Yeah.

30  
31 MR. LEE TITUS: ....whether they want to or not. Is  
that right?

33  
34 MR. PEARSON: Yep. Exactly that.

35  
36  
37 MR. LEE TITUS: All right. We got it clarified.

38  
39 MR. JAMES: Mr. Chair?

40  
41 MR. LEE TITUS: Yes?

42  
43 MR. JAMES: There's a motion on the floor. Would you  
like me to read what I have so far so you can decide if you  
want to do it or not?

46  
47 MR. LEE TITUS: Okay.

48  
49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. JAMES: Okay. To recommend that all council members -- I left a word out, I'm sorry. Oh, here we go. To recommend that all council members -- I'm sorry, just a moment. I hit the wrong button, it disappeared. Mr. Chair, to recommend that all council members allow their address and phone numbers to be disclosed for the purpose of conducting the business of the Council. Is that agreeable?

7

MR. ROACH: Yes.

9

MR. JAMES: Okay. Now you have a motion you can vote on.

12

MR. LEE TITUS: Okay. You called for the question, right?

15

MR. PEARSON: Yeah.

17

MR. LEE TITUS: The question has been called. All in favor of the motion, signify by saying aye.

20

MR. ROACH: Aye.

22

MR. PEARSON: Aye.

24

MR. LEE TITUS: Opposed?

26

MR. GUSTAFSON: Aye.

28

MR. CHARLIE TITUS: Aye.

30

MR. LEE TITUS: The ayes have it.

32

General laughter.)

34

MR. LEE TITUS: The ayes got it. So what is the -- after this motion, now, Dave, are you going to go to each individual council member and ask if they want to or....

38

MR. JAMES: Mr. Chair, I would be willing to exert whatever influence I'm capable of of changing people's minds, but I'd like you to think about that twice. No, seriously, I really -- frankly, I don't know if it's appropriate, to tell you the truth. I mean, it seems like you've had a pretty clear discussion right here. I think some people have their minds made up. At any time, however, the two of you that voted in opposition would like to change your minds, just let me know and we'll be glad to change that.

48

49

50

# R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. CHARLIE TITUS: Um-hum (affirmative).

MR. LEE TITUS: Okay.

MR. CHARLIE TITUS: Mr. Chairman, does that mandate us to have it on here? No?

MR. ROACH: Mr. Chair? Charlie, no, it's just a recommendation and the only reason that I made it -- stated it that way was because of the concern that I had. There's no -- no motion in no way forces anyone to have it on there. It's just a recommendation.

MR. CHARLIE TITUS: Thank you.

MR. LEE TITUS: Okay. Moving on, "Kenai C&T Determination." Units 7 and 15. Yes, David?

MR. JAMES: Mr. Chair, I've asked one of the staff members, George Sherrod, to present this topic to the Council, if you'd like to call him forward. I might also add here that you have before you, you've probably seen them already, two documents relative to this discussion. There's the green-covered "Policy Options and Proposed Conclusions," and then also there is a time-table for this process that George will briefly discuss with you.

MR. LEE TITUS: Go ahead, George.

MR. GEORGE SHERROD: One of the reasons I think that I was asked to present this is in light of the fact that you're going to be looking at another C&T presentation here subsequent to my short summation. It's important to realize that the Kenai process is a bit different in that the Kenai process was a unit approach; that is, that we looked at the management units on the Kenai Peninsula, basically identified those communities using that area, and then focused on the community's use of those areas within those units rather than looking at the communities and looking at all the areas that they used. For example, there were certain areas on Kodiak Island for deer hunting used by communities that fall within these managed units. Questions related to deer were not addressed because they don't occur within units 7 and 15 which are the two units addressed in the Kenai Peninsula C&T study. And the study also focused primarily on large mammals.

The original document was approximately 450 pages in length. That was taken before the Regional Advisory Council in December, if you refer to your time-table. Subsequent to that,

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

this document was put out which is basically a summary. There are three alternatives outlined in this document basically in a very brief sort of way. One alternative would be considered perhaps the most lenient, giving communities that have demonstrated any level of use C&T. The other option on the other end, Option C, is perhaps the most restrictive, trying to identify the types of data that you would actually need to qualify given the eight criteria and, in that option, none of the communities qualified. And then there's a middle option, B, which falls somewhere between where certain communities are determined to have C&T process and other -- or positive C&T determination and other communities have not. Are there questions so far on this?

13

14 MR. CHARLIE TITUS: Yes, Mr. Chair.

15

16 MR. LEE TITUS: Yes, Charlie.

17

18 MR. CHARLIE TITUS: Did we get a copy of this? I don't remember seeing this? Not the January 9th.

20

21 MR. JAMES: No. No, you did not get a copy of this, to my knowledge....

23

24 MR. CHARLIE TITUS: This is....

25

26 MR. JAMES: ....previous to that.

27

28 MR. CHARLIE TITUS: ....only for discussion on the C&T Kenai determination, right?

30

31 MR. JAMES: I'm sorry, Charlie. What's your question again now?

33

34 MR. CHARLIE TITUS: Kenai Customary and Traditional Determination. We're only reviewing....

36

37 MR. JAMES: Right, right. This is not up for action by this Council, no. This is for information only.

39

40 MR. CHARLIE TITUS: I'm just not ready for anything right now. This is a review. Okay. Thank you.

42

43 MR. SHERROD: Currently, the staff -- if you look at -- we're on No. 5 in your time line there. The councils and staff committees are in the process of reviewing this and the larger document. The staff committee by the 10th of this month will develop a proposed rule that will be subsequently published and this proposed rule is scheduled to be published on 3/14 of this

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

year which will commence then the 45-day public comment period which would be at the time, I suppose, that that this body had input into either the process or the data would have -- that would be the manner in which input would be submitted. And then this would terminate hopefully in August the 10th with the final determination.

6

7 MR. PEARSON: I just wonder why we're even discussing  
8 the Kenai C&T?

9

10 MR. ROACH: Excuse me, Mr. Chair. Maybe I can make a  
11 comment. I sat in on the teleconference on Wednesday with some  
12 of the chairs and vice chairs from other Regional Advisory  
13 Councils and the discussion concerning the Kenai Peninsula C&T  
14 determination was brought up because this seems to be the first  
15 one of its kind and may set precedent for what happens  
16 throughout the rest of the State. And the chairs were  
17 concerned that they did not -- their councils did not have an  
18 opportunity to be in the process of setting up how C&T  
19 determinations were going to be made. That was the concern  
20 here.

21

22 MR. JAMES: Mr. Chair, I might add on to that, the  
23 question is not so much what decisions were made for the Kenai,  
24 but how were they made. That's the issue that will affect this  
25 council and all of the rest of the councils throughout the  
26 state. There's some question at this point as to what degree  
27 policy will be established by this. At the most extreme end,  
28 it's possible that when the board takes action, whatever it may  
29 finally be according to this schedule, that it may set in place  
30 some fairly rigid guidelines for the process that they're going  
31 to be using for C&T determinations throughout the State. But,  
32 you know, we can't say that with certainty. Again, I'm in no  
33 position to speak for the board. On a lesser degree, there may  
34 be some flexibility in there. But the point is now - and the  
35 reason we wanted you to be aware of this - we don't know, you  
36 know, exactly how flexible or how rigid that policy will be as  
37 a result of this action. But it will undoubtedly have some  
38 effect on....

39

40 MR. PEARSON: So, this is the first one, basically, of  
41 this kind and we won't be going through all the portions of  
42 Alaska as they develop C&T?

43

44 MR. JAMES: Correct. That's right.

45

46 MR. PEARSON: Thank you.

47

48 MR. CHARLIE TITUS: Mr. Chairman?

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. LEE TITUS: Charlie?

2

3 MR. CHARLIE TITUS: If I'm correct with this decision,  
 4 this schedule here, we're going to review this Kenai C&T  
 5 determination and in three or four days a decision will be  
 6 made, right? It's finished? Start and finish. If that's  
 7 correct, what's the time line on this? The board will meet?

8

9 MR. SHERROD: Well, the board that has jurisdiction  
 10 over the Kenai Peninsula will meet. If this board or as  
 11 individuals or as a unit, I suppose, were interested in putting  
 12 comments, it would be under Action No. 10 which is the 45-  
 13 day public comment period. I don't believe there's actually  
 14 -- how should I say? There's a step in which all Regional  
 15 Councils will meet and look at all different areas. But,  
 16 again, as it was so astutely pointed out, this is the first in  
 17 the step. If you look at page 2 and 3 of this green document,  
 18 you'll find the eight criteria there. There are a number of  
 19 things in there that are fairly vague such as long-term. I  
 20 suppose if we went around the table and had each one decide in  
 21 their mind how many years constitute a long term, we would not  
 22 have a unified number.

23

24 These are the types of issues that will be dealt with  
 25 potentially will have implications for what this board does  
 26 later on down the road. And, again, as I pointed out, this was  
 27 a different process when we talk about the degree in which each  
 28 regional council will be involved. This process deals  
 29 specifically with management units. There are potentially  
 30 other C&T determinations that will be made on the basis of a  
 31 community which may -- whose use area may actually cross  
 32 regional council boundary lines and, therefore, you might find  
 33 two councils coming up with having to deal with the C&T  
 34 determinations for one community.

35

36 MR. LEE TITUS: There's nothing in here that addresses  
 37 fisheries.

38

39 MR. SHERROD: No, this is simply -- this particular  
 40 study focused only on large mammals. It did not deal with  
 41 furbearers, terrestrial birds, et cetera. Only moose, caribou,  
 42 sheep, bear, the large terrestrial mammals.

43

44 MR. LEE TITUS: How come all the other animals were not  
 45 included?

46

47 MR. SHERROD: I was not in on that decision-making  
 48 process. It's my understanding for sake of timeliness that

49

50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

this was addressed and that the large terrestrial mammals were the ones that at this time posed the major problem. I believe on the C&T for the Kenai - and I don't have my book here with me - I think there is a "no determination" for a number of the smaller animals. So, adopting this or not adopting this would not affect individuals' rights in those areas to use that. It would not erase it. But that is, I mean -- that's, I suppose, a point that why this brought forward. These are the types of determinations or recommendations that this body would have to send forward that maybe we should be looking at other animals, maybe we should be looking at fish.

11

12 MR. LEE TITUS: I think that's one of the issues that the tribes down around Kenai was really upset because the State would not let them fish in the Kenai River because they said it was considered a non-rural area or something like that.

16

17 MR. PEARSON: I'm not real familiar with that one.

18

19 MR. LEE TITUS: Something like that.

20

21 MR. SHERROD: Well, there are certain resources in which this program does not extend; marine mammals, for example, migratory birds, in some cases fish, certainly.

24

25 MR. PEARSON: Mr. Chairman, I'd like to know if there are any of the Federal Subsistence Board members present? Just maybe they'd like to introduce themselves because they're ultimately going to be the decision-making body.

29

30 MR. LEE TITUS: Um-hum (affirmative).

31

32 MR. PEARSON: And that way if we have any questions of them, we'd recognize who we could address.

34

35 MR. LEE TITUS: Sure.

36

37 MR. JAMES: I don't believe any of them are here.

38

39 MR. PEARSON: Mr. David James, are there any of the Federal Subsistence Board members here?

41

42 MR. JAMES: No.

43

44 MR. PEARSON: That took care of that one.

45

46 MR. GUSTAFSON: Mr. Chairman, okay, basically you have three different types of, well, policies that are under discussion then? Is that true? I mean, you have A, B, and C.

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

I mean,....

1  
2 MR. SHERROD: These were options put forth in this  
document basically as guidelines to the process. Again, you  
know, this hasn't been done before. It was the attempt of the  
Staff to put forth options that would sort of highlight the  
scope of the decision-making process as opposed to, I think,  
providing options that were the definitive answer. It was sort  
of if you interpret along the lines of the most restrictive as  
in the case of C, basically everybody falls out. If you look  
along the lines of the most liberal, that is, if anyone has  
demonstrated use of an area regardless of how long a time  
period it was or what percent of the community was using it,  
then the community qualified. And C attempted to take a little  
bit more fine-tuned effort at saying what is long-term and if  
we accept long-term as two generations, then, Community A falls  
out, Community B does not.

17  
18 And, again, as I say, what I think is important for  
this Council's deliberation is the idea is one generation a  
long term? Is two generations a long term? Is three  
generations? Is a century a long term? And the other point,  
as I say, because Alaska is diverse, because the information we  
have is diverse, I don't think we need to believe that  
definitively the policies set here will carry over, but there  
is that chance; that what becomes long-term, say, in Kenai  
becomes then long-term for the Yukon Flats or long-term for  
other areas that fall within the jurisdiction of this -- the  
body....

29  
30 MR. GUSTAFSON: But every area is a little bit  
different, so you have to make exceptions to rural and every --  
Alaska is so diverse and unique, so you have to. I don't see  
how one could -- they'd have to adapt to the circumstance.

34  
35 MR. ROACH: Mr. Chair, it's my understanding that the  
regulatory framework that's being presented in this first  
proposal will be if -- if used, will be used for the other C&T  
determinations. Is that correct?

39  
40 MR. SHERROD: I do not believe that is necessarily the  
case. Perhaps Mr. Pospahala could respond to that if he is  
here.

43  
44 MR. ROACH: I would like that, Mr. Chair, if we could.

45  
46 MR. POSPAHALA: Would you like me to try to take a shot  
at answering this? The board's action on this particular  
termination resulted from some special circumstances that

49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515



came in the form of proposals to the Federal Subsistence Board for action at their meeting last May. And, as many of you may know, because of the fact that under the earlier State system there were no areas on the Kenai Peninsula that fell within the rural area designations under the State system that we initially adopted in 1990 when we first became involved in this program. Subsequently, in 1991, we did identify under the Federal program some rural communities and areas on the Kenai Peninsula. At the time we made those rural determinations, we had also adopted a set of pre-existing customary and additional use determinations that had previously existed in the State system. They generally held to a finding of "no subsistence" for the most part for those large mammal species on the Kenai Peninsula. One determination that had not been made by the State of Alaska was one for caribou. There was a proposal before the Federal Subsistence Board then to allow subsistence use of caribou on the Kenai Peninsula last spring.

17

18

In view of the difficulties in trying to reach a decision on that determination and being fully aware of some of the implications of any decision in that regard, the board then felt it necessary to expedite a determination for all of the large mammal species on the Kenai Peninsula. That then became, then, the very first of the statewide Federal review of customary and traditional use determinations in Alaska. The board at that time elected to direct the staff and the other agencies to complete this review in time for the 1994-1995 regulations proceedings, so that if positive customary and additional use findings were to result from this effort, that those decisions could be implemented along with the Federal Subsistence Hunting Regulations as of July 1, the seasons that begin no earlier than July 1, 1994.

33

Since we've never done any of these determinations up to this point in time, there certainly will be some precedential value in the board decision as it relates to the Kenai Peninsula. But, basically, the very detailed elements of any customary and traditional use determination and how the board will choose to apply their findings or their review of these eight criteria that are defined in regulation and bring those to bear on a particular C&T determination has not been done at this point in time nor are there a set of written and very specific guidelines for the board to follow in that regard.

So, to the extent that we have not done any of these determinations, there will be some general policy guidelines that will be established in this first process as we move through it. But I think Mr. Sherrod is correct in his

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

assessment that the intricate details that the board may apply in achieving this Kenai customary and traditional use determination may not necessarily be those that are applied to every decision in the future with regard to this overall assessment on a statewide basis. But I think it's clear that all of the regional councils need to be very interested in this first determination process because it will have some precedential value in terms of the overall process in how the board chooses to apply those eight factors in reaching their decision on the Kenai Peninsula.

10

11 MR. LEE TITUS: There was Hope, Cooper Landing, Whittier, Ninilchik, Homer rural area, I don't know, Nonwallik (ph), Port Graham and Seldovia, these are the only communities that are considered in this C&T determination?

15

16 MR. POSPAHALA: Right. The way that the communities and areas are defined, I don't have my copy in front of me, but I think there were eleven communities or areas that were judged to exist within those rural areas on the Kenai Peninsula. So, there are eleven communities or areas that are the subject of this survey, yes.

22

23 MR. LEE TITUS: And is English Bay included or....

24

25 MR. SHERROD: Yes, that's Nonwallik.

26

27 MR. POSPAHALA: Nonwallik.

28

29 MR. LEE TITUS: Huh?

30

31 MR. SHERROD: That's Nonwallik. They changed their name.

33

34 MR. LEE TITUS: Oh, they changed their name?

35

36 MR. SHERROD: And Whittier, also, is included for one species even though it falls outside of the unit. It was determined that they had use within the area in question, so they were incorporated in the study for their use as it related to those two units, 7 and 15.

41

42 MR. ROACH: Could you possibly -- excuse me, Mr. Chair. Could you possibly tell us how the determination was made that those communities were considered rural and the others were not?

46

47 MR. POSPAHALA: I'm not sure that I'm prepared to go into excruciating detail, but there were -- in the initial

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

Federal regulations that were set forward in this program, there were a set of general criteria that were laid out in regulation as to elements that constituted whether a given community or area was, in fact, rural or fell into the non-rural classification. The easiest one that I can give you was the first cut that was made on population size which I think was drawn at a level of any community or area that had a population in excess of 7,500 was presumed non-rural. Any area or community that had a population of fewer than 2,500 individuals was presumed, in the first instance, to be rural. Areas that fell within the range of that, between 2,500 and 7,500, were presumed to be neither rural nor non-rural.

12

13 Then, we embarked on a process to look at other characteristics of those communities or area and make a collective decision about whether or not, in general, the overall area or community could be classified as rural or non-rural in nature. We went through it on a community-by-community basis on the Kenai Peninsula and effectively ended up with the result that areas generally south of Clam Gulch, for example, on the Kenai Peninsula were rural in nature down to about -- I think it's right at about Anchor River and then some of the areas in Game Management Unit 15(C) that are south of Homer, and I'd say they'd be south and east, were also determined to be in a rural area. So, that general process was followed pretty much across the State.

26

27 So, first, before you go into a customary and additional use determination, the decisions are now basically made and were as of December of 1991 in terms of delineating the rural and non-rural areas across the entire State.

31

32 MR. ROACH: Excuse me, Mr. Chairman.

33

34 MR. LEE TITUS: Um-hum.

35

36 MR. ROACH: You brought up the community or area. The reason I'm asking this is because I'm looking at in our area, say, the Fairbanks North Star Borough could be considered an area even though people who live, say, out Chena Hot Springs Road or down the Richardson Highway in a small group, cluster, a village or any other -- just a single household, they would be lumped in with the North Star Borough. They're above 7,500, so they would automatically be excluded from C&T determination process.

45

46

47 MR. POSPAHALA: They would be excluded as being identified as elements of a rural community or area, yes, and

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

that's the way that particular one was done.

1

2 MR. ROACH: The Fairbanks North Star Borough was done  
that way. Are other boroughs going to be done that way? Are  
we going to look at the North Slope Borough as an area and say  
it's got more than 7,500 people; why, then, is the North Slope  
Borough....

7

8 MR. POSPAHALA: Areas only are used in those cases  
where you don't have a definitive community to look at.

10

11 MR. ROACH: And so for Fairbanks North Star Borough,  
you're saying Fairbanks, North Pole, Salcha,....

13

14 MR. POSPAHALA: Within the Fairbanks North Star  
Borough, they want to put that independently, but in an area  
like the North Slope Borough, then, they're looked at on a  
community basis.

18

19 MR. ROACH: Why the difference?

20

21 MR. POSPAHALA: Well, I can't remember the details on  
that particular one, but it had to do with political boundaries  
and that sort of thing, shared school districts, the way that  
those areas were defined. In the case of the Fairbanks North  
Star Borough, it was taken as an aggregate area.

26

27 MR. ROACH: That could be a very important point to  
people who, say, in Mike's area who fall within the....

29

30 MR. PEARSON: Denali.

31

32 MR. ROACH: ....Denali Borough even though, you know,  
they're considered a rural area by most standards. They could  
be lumped together, have more than the population requirement  
and then....

36

37 MR. PEARSON: We're still way below.

38

39 MR. ROACH: Okay. Well,....

40

41 MR. POSPAHALA: That's fine. The rural determinations  
of the areas that have been identified up to this point in time  
of rural areas are not under review or reconsideration and  
won't be until the time of the next national census. Okay.  
The way the regulations came out in final form would be that  
any reviews of the rural status of a community or area would  
only be taken subsequent to a national census and then there's  
provision for a five-year transition period should any rural

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

area be judged to have made that transition from rural to non-rural. There would be a five-year waiting period before that change would take place. Those were incorporated into the regulations in 1991, so they're not currently a part of the annual decision-making process.

5  
6 MR. LEE TITUS: I had a question, but I lost it  
7 somewhere.

8  
9 MR. CHARLIE TITUS: Mr. Chairman?

10  
11 MR. LEE TITUS: Charlie.

12  
13 MR. CHARLIE TITUS: I think I'm a little confused here.  
14 I'm looking at the schedule for decision-making and I really  
15 don't know why we're looking at that. I have the same problem  
16 as Pearson. I know we're reviewing it, but we're not going to  
17 meet again after this and whatever comes out of here is -- I  
18 know it's setting precedent, but....

19  
20 MR. PEARSON: I think, Charlie, what I got out of it  
21 was they're just trying to point out the process to us.

22  
23 MR. CHARLIE TITUS: I know, but still we don't --  
24 there's no input from this Council or....

25  
26 MR. JAMES: Mr. Chair?

27  
28 MR. CHARLIE TITUS: ....this -- whatever is coming for  
29 our region. What happened in Kenai happens to Region 9?

30  
31 MR. JAMES: Well, yeah. Maybe I'll try to put this in  
32 perspective now. When we finish with this, we're going to  
33 start the next thing on the agenda here,....

34  
35 MR. CHARLIE TITUS: Sure.

36  
37 MR. JAMES: ....the Upper Tanana,....

38  
39 MR. CHARLIE TITUS: Um-hum.

40  
41 MR. JAMES: ....and that's going to be very relevant to  
42 this region. And I think maybe as you discuss that with the  
43 Park Service representatives, some of what we're talking about  
44 now with Kenai will start to make more sense -- that's my  
45 hunch -- because then it's going to be very real and very  
46 relevant to you. And, again, as far as what you do with Kenai  
47 the prerogative of the Council. You may wish to drop it and  
48 ignore it, you know, from this point on; you may want to take

49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

this and spend some time reviewing it on your own and communicate amongst yourselves about whether or not you want to follow up on it in any sort of way, official or otherwise. I don't know. We felt obligated to raise this issue, make you aware of what's going on, and then you can, you know, use it as you wish. I really don't want you to get bogged down in this, believe me, because we've got plenty to get bogged down in just shortly. So, does that help at all?

8

9 MR. CHARLIE TITUS: I'm aware of that, but I was just wondering, suppose we don't agree, some of us don't agree with what's happening in Kenai? You said there is a 45-day public comment period on proposed rules. Do we voice our opinion on this within that 45 days? And I'm wondering, as a council, do we have time to do this?

15

16 MR. JAMES: Well, to answer your question, Charlie, you know, anybody can make comment within that period of time; however, if you wanted to make some sort of formal comment as a council, you know, you've got to come to that decision, is my understanding as part of a public meeting process.

21

22 MR. CHARLIE TITUS: Okay. The time period I'm wondering about. We don't have time to read over this, you know. The last day of the meeting is tomorrow.

25

26 MR. JAMES: That....

27

28 MR. CHARLIE TITUS: Do you understand what I'm getting at? We don't....

30

31 MR. JAMES: Yes, I think I understand. But, you know, now, I would not expect you, the Council, to be in a position to take any action at this meeting. That was not the purpose of bringing this up. You know, if you had had this in advance, been kept apprised of it, had time to study it and had some ideas in mind, then, perhaps you would be in a position to take action right now. But that's not the way it turned out.

38

39 MR. CHARLIE TITUS: I wasn't looking for any action. I was just -- I guess maybe we weren't prepared for the Upper Tanana. We look at this, when we put in -- it'll probably be the same as the Upper Tanana? Everything is going to be....

43

44 MR. JAMES: I think you can judge that for yourself, based on what the presentation is from the folks from the Park Service that will be talking about that. I guess, Charlie, you know, if we were dealing with an ongoing process, if the Federal program -- if we were a bunch of old pros with this, I

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

suspect you would have been appraised of the Kenai thing long before now. That's my hunch. But, you know, I guess I'm pleading for some mercy here. You know, it is in the developmental stages, it truly is. This is the first one, we're feeling our way through it, we're trying to incorporate the appropriate people as we find out, you know, the appropriate organizations, and that's what we're doing right now. So, if there's any blame that you weren't appraised of this before your meeting, I'll accept that, you know, because I knew about the Kenai thing before last week and, frankly, it didn't dawn on me soon enough that I should be keeping all of you apprised of what was going on. I was a little slow there. But I don't want you to think that it's too late. You know, if you're beginning to feel like you're squeezed out of this, I don't think that's the case at all.

15

16 MR. CHARLIE TITUS: Maybe that's the correct answer. I'm feeling like -- I don't like to feel -- I like to take a stand on an issue on something like this and say there's something wrong with it in a public hearing. You know, I can voice my opinion there. But I guess I could do it in the 45-day period. I don't know, I just feel lost.

22

23 MR. SHERROD: If I....

24

25 MR. LEE TITUS: Comment?

26

27 MR. SHERROD: Yeah, if I could interject. This document, I think, should be considered as a working document. This is not the final rule. This was simply a working document, as was the first larger document, to help guide the regional council involved with the Kenai C&T process and the staff committee and the board in their steps of making this decision. The critical document that would be, I mean, for you as a council to look at and as individuals, given your limited time, is the proposed rule. That will be the actual determination made or forwarded as to who will or who will not have customary and traditional uses on the Kenai. This is just a working document. It's provided to you basically to show you the types of processes that you, yourselves, are going to be starting here in about -- as soon as we finish. So, you shouldn't -- if it seems like it has come to you untimely, it's not something that requires, I don't believe, your immediate action upon.

44

45 MR. LEE TITUS: Um-hum.

46

47 MR. ROACH: Mr. Chair, one more question from me. The 48-day public comment period, where else in the process has the

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

public had an input? Does public input come in until that 45-day process? It's my understanding that that's after it comes out in the Federal Register and there's already been a determination made as to what alternative they're going to be taking once it gets to that point.

5

6 MR. POSPAHALA: They will have taken a position, an initial position, and laid that out before the public as their proposal and then there will be this public opportunity to make their comments relative to that position that's been taken by the board. And when we talk about 45 days, we're not talking about 45 days from now. That public involvement period would, at the earliest, expire around the 1st of May based on the schedule we have now. What we have in the local area, there's been continuing involvement by that Southcentral Regional Council and they spent two days in November, I guess, going over the initial material that our staffs had prepared and they met for a full day last week to sit down and make their intensive review of the information and to begin to develop their initial recommendations on those determinations for that area.

21

22 MR. LEE TITUS: Okay. Go ahead, Charlie.

23

24 MR. CHARLIE TITUS: On No. 11, what is the Ninilchik Traditional Council study?

26

27 MR. POSPAHALA: The BIA has funded a special follow-up study with the Ninilchik Traditional Council. We maintained some access to the results of that study as it's gone on, but it's my understanding that the final results of that study will not be available until whatever that date is,....

32

33 MR. SHERROD: It's 3/31.

34

35 MR. POSPAHALA: ....it's March 31st, and we've just identified that in that list of items because it does have some significance and bearing on the problem at hand.

38

39 MR. LEE TITUS: Did you have something?

40

41 MR. ROACH: It can wait.

42

43 MR. LEE TITUS: Oh, okay.

44

45 MR. ROACH: I'll talk about it when we get into this one.

47

48 MR. LEE TITUS: From my -- a lot of good questions were

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515



brought up. Jeff earlier brought up questions about the Fairbanks North Star Borough in talking about the Kenai Peninsula. I think as -- what I'm trying to say is that there are tribes around Anchorage like Eklutna that are not considered a rural community or that Kenaitze tribes down in Kenai are not -- they can't traditionally fish on the Kenai River. A lot of stuff like that we have to keep our eye on because in another 50, 60 years we're going to be in the same boat, whether we're considered rural or not. Anything else?

9

10 MR. CHARLIE TITUS: Mr. Chairman, I agree with you because a few years back they were considering putting Minto and that's still in the State plan as putting Minto in the Borough. And I'd hate to see it happen, but I think we're going in that direction. We have to seriously think about we look at this C&T determination. I'm afraid we'll be caught in the same situation in the future.

17

18 MR. LEE TITUS: Any more questions? I'd like to thank you guys for coming up here. Before we go on to the next item on the agenda, we'll take a 10-minute break. Okay?

21

22 (Off record)

23 (On record)

24

25 MR. LEE TITUS: The next item on the agenda is the Upper Tanana Customary and Traditional Determinations." At this time, I'd like to call on Janice Meldrum and Don Callaway for their movies.

29

30 MS. MELDRUM: No movies. We might have misled you. No movies.

32

33 MR. LEE TITUS: In that case, just five, ten minutes.

34

35 AUDIENCE MEMBER: How much would you give her if she did have some movies.

37

38 MS. MELDRUM: Last week we sent each of the council members as well as many others this notebook. Did all of the council members receive it?

41

42 MR. CHARLIE TITUS: The day I was leaving.

43

44 MS. MELDRUM: Okay. We're going to be talking quite a bit about that today, so it wasn't necessary that you had it read before you came. We just wanted to make sure that you had it.

48

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. KNAUER: You need to stay by the microphone.

MS. MELDRUM: Oh, really? Okay.

MR. LEE TITUS: You can put this here on your shirt  
(referring to lapel microphone).

MS. MELDRUM: What we wanted to do today was explain to the Council basically the process that the Federal Board will be using in making C&T determinations for the Upper Tanana region. Last week we sent all the council members a copy of this notebook as well as the Alaska Department of Fish and Game and agency people, and copies will be going out to the villages as well, and we'll be explaining -- yes?

MR. ROACH: I'm sorry to interrupt, but could you please introduce yourself, what your position is, and when you talk about "we," who "we" are?

MS. MELDRUM: Oh, okay. Sorry. My name is Janice Meldrum. I work for the National Park Service, and my office is located in the inner agency Fish and Wildlife Service Subsistence Division. And when I'm speaking of we, in terms of this whole process, Don Callaway and I have been working together on preparing the reports that are in this notebook and we're primarily responsible for the analysis of these communities and in preparation for the board decision on customary and traditional use determinations for the communities in the Upper Tanana region. And the communities that we're speaking of in the Upper Tanana region are Dot Lake, Tanacross, Tetlin, Northway, and Tok.

Maybe a bit of this initial discussion about the process might be somewhat the same as what George explained to you, so if there are no questions, I won't spend much time on this. But I thought it might be worthwhile since all of you haven't been sitting in on the board meetings all along to give you an idea of how we got to where we are today. This map is showing you areas that we -- the agencies have collectively separated the state into 24 different areas and we call them C&T priority areas. Units of the state were kind of lumped together based on what we thought might be similar uses of resources and then based on what people have said over the last several years about problems with existing customary and additional use determinations or resource problems that they saw in those areas, we tried to establish priorities for looking at them and making new Federal decisions on those various areas.

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1           So, the first area encompassed the Upper Tanana  
2 communities that I just mentioned, as well as the Copper River  
3 Basin communities and Game Management Units 11, 12 and portions  
4 of Unit 13 as well as portions of 20(D) and (E). And each of  
5 the agencies, essentially, has been assigned to develop the  
6 reports on the communities in these regions as labeled. So,  
7 the Park Service was given these six areas across the state and  
8 so it's our job to look through all of the information  
9 available and talk to people and put together reports on the  
10 communities in these regions for review by the board and,  
11 ultimately, for a decision. So, these areas are in priority  
12 order across the state, but if you really look at it, what ends  
13 up happening because of the assignment of agencies to the  
14 analysis is that the Park Service would look at Area 1 and when  
15 they finish with the analysis here, we'd move on to the next  
16 highest priority which ends up being No. 8. And the Fish and  
17 Wildlife Service is currently working on Area 2, as they were  
18 just describing earlier. And then we'll move on to Area 3.  
19 So, although the agencies are assigned to put the reports  
20 together on the communities, the agencies themselves aren't  
21 making the decisions. The five-member board is actually making  
22 the decisions about the communities in these regions.

23

24           What I've put together here is just a schedule that  
25 end of shows you the steps that we'll go through in making the  
26 final decision about these Upper Tanana communities and where  
27 this Council might get involved. And I think that some of you  
28 will probably have some comments on where the Council should  
29 get involved, too, in things that maybe I hadn't thought of.  
30 But what we've done, essentially, right now is to develop a  
31 draft report on each of the five Upper Tanana communities and  
32 that's the blue notebook that we sent out to you. What needs  
33 happen now is that that draft needs to go to everybody who  
34 is interested in this determination or might have information  
35 about these communities so that they can add to that document.  
36 And our proposed length of time to do that is through the 5th  
37 of March, so we'd like to get all the communities involved in  
38 looking at this and the Council and the local advisory  
39 committees and the State and Federal agencies to look at this  
40 document and give us comments by the 5th of March.

41

42           After everybody's comments come in on the documents,  
43 we'll incorporate those comments into what will be a final  
44 document, and that's what the board will use to make the  
45 decisions about the five communities in the Upper Tanana  
46 region. Following release of that final document, there will  
47 be an opportunity for the Regional Council and the staff  
48 committee to look at recommendations that have been prepared

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

that will outline as you -- like in the green document that George gave you on the Kenai, we'll have to outline what communities are going to get what C&T on what species in this region. And that'll be a very important part of this process that the Council will hopefully get involved in, is looking at what communities end up getting what use of what species and whether that area is appropriate. And that recommendation will come in the form of a proposed rule that will go into the Federal Register. Then, there will be a 60-day comment period for the public and everybody who is interested to submit their comments to the Regional Council or to the Federal Board about what's been written. So, for instance, say the outcome is that all five of these Upper Tanana communities are given C&T on all species in the Upper Tanana region which may include Units 12, 20(D) and 20(E), people can respond that they don't agree that that's right; that some communities should be excluded or some species should be excluded. And the Council will then have the benefit of looking at all those public comments and all the agency comments in order to formulate their recommendation and send that to the Federal Board for consideration.

20

21 Then, at some point, and this is a tentative schedule, but at some point in September, is the way it's scheduled right now, the board would make a final decision on the customary and additional use determinations for the five Upper Tanana communities. We've had some comments already that the schedule is too compressed; that we're trying to get things done too quickly and, certainly, if that's true, we'll try and make some adjustments to make sure that people have the time they need to look at the recommendations and to look at the documents that have been prepared.

31

32 At this point what we're trying to do with the draft reports that we've prepared is send them out to a large group of people so everybody gets a chance to look at them. So, we've given a presentation to the Tetlin Wildlife Refuge on what we've done, we've given a similar presentation to the Wainwright-St. Elias staff. On the 23rd of February, we'll be giving a presentation and having an open public meeting for the Upper Tanana and Fortymile Local Advisory Committee on the reports that we've generated. And the Tetlin Refuge staff will be visiting the five communities in this area to give people an opportunity to talk to them about the report and submit comments to them or voice their opinion.

44

45 MS. SUE MATTHEWS: Janice?

46

47 MS. MELDRUM: Um-hum?

48

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MS. MATTHEWS: That 23rd meeting is a public meeting.

1

2 MS. MELDRUM: Yes. Yeah, the 23rd meeting of the local  
advisory committee will be a public meeting and it'll be held  
4n the evening from seven till nine in Tok and the public is  
5nvited to attend and every box holder in the region will be  
6ent a flyer that will tell them when and where that meeting  
will occur.

8

9 MR. LEE TITUS: Seven till midnight?

10

11 MS. MELDRUM: Seven till midnight, yeah. Seven till  
wenever. Maybe that would be better. For those of you that  
haven't had a chance to look through the blue books that were  
sent out, let me show you how they've been put together. We've  
been talking about these eight factors that are used to  
describe a customary and traditional use or customary and  
traditional activity and those eight factors are what the board  
will base their decision on. The board has a lot of  
flexibility in how they apply these eight factors, meaning they  
may think that some are more important than others; they may  
feel that you don't have to meet all of these eight factors.  
It's pretty well, I guess, unknown how they're going to  
interpret these eight factors, but it's not necessarily a good  
or a bad thing if you're missing information on certain  
communities or if one community shows a -- let's say in factor  
6. 5, say, some of the communities show both historic and  
contemporary practices that seem to meet people's expectations  
of what a customary and traditional use is, but two of the  
communities may not. It's not clear that the board will decide  
against a certain community because one of these factors is not  
met. So, essentially, what I'm just trying to say is that it's  
unclear how these eight factors will be interpreted by the  
board. So, what we're trying to do is, as completely and  
thoroughly as possible, describe the eight factors for these  
communities so they have as much information as possible in  
order to make their decision.

37

38 The documents that I've given you have -- the first  
section on each of the communities has five overview topics  
that aren't clearly related to the eight factors. But the  
reason that they're included is because they kind of give  
people that may not have ever seen these communities or been in  
them at all, it will give them an idea of what that community  
is in terms of where it's located, what its history is, if people  
have jobs there or whether they travel outside for jobs, and a  
lot of other factors that may not necessarily be related to  
these eight factors. Then, following that, there is actually  
the eight factors that are in regulation that the board will be

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

making decisions on. And if you look at these, the ones that are actually described as factors, that's what's in regulation. These A's, B's and C's that I've got underneath are just categories under each of the eight factors that are meant to be used just to gather information and put them into some easily defined units, just to make it easier to put a report together. So, these eight factors that are in regulation are actually what we're supposed to be evaluating.

One of the big questions people have are, you know, we've never seen you before; what are you using to put your reports together. So, I'll show you what that is. There are four components to these reports, one of them is missing right now, and that is the public input process. And this is the point where we're trying to get input from everybody that we can. But what these reports do contain are a literature review. We looked at Alaska Department Fish and Game reports that have been prepared in the last 10 to 15 years, we looked at reports by people as far back as the 1920s that had been in these communities or up in this region at that time. So, we looked at a broad variety of published information that we could get our hands on in order to prepare the reports.

Secondly, we used the Alaska Department of Fish and Game harvest surveys and those were done when researchers actually went into these individual communities and asked people a whole series of questions. Perhaps some of you were actually involved in answering some of those questions. They asked people what they harvest, where they harvest it, whether you feed those resources to dogs, and a whole series of questions. And we used that in these reports, as well. And the third thing we used is harvest ticket data. When hunters return their harvest tickets and say I killed one moose on this date in this GMU, we compiled all that information for these communities and tried to use that to the best of our ability; although, we realize that that information is very incomplete for a number of reasons. We tried to use that where we can.

Then when we get public input from everybody who wants to be involved in this, that will be meshed with all of these three components that we prepared in the blue book and the final report will be completed and distributed to people so that they can take a look at that. And then that report will be what the board will use to make the customary and additional use determinations for the communities and they'll be made on a species basis for large mammals that are in the region. Like not deer and some of these down here, but whatever species are in that region. Was that kind of clear how we put this all together? No questions? You've got me a little worried.

49  
50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 Well, the next thing we wanted to do, then, if that's  
2 just completely crystal clear to everyone -- yeah, Frank?

3  
4 MR. ENTSMINGER: Are you taking questions from the  
5 audience?

6  
7 MS. MELDRUM: Sure.

8  
9 MR. ENTSMINGER: The first question that popped into my  
10 mind....

11  
12 MR. JAMES: Excuse me, Frank, if any questions are  
13 entertained, it will have to be up here at the table.

14  
15 MR. ENTSMINGER: Thank you, Council, and, Janice. My  
16 name is Frank Entsminger. The question I had, all through your  
17 presentation communities were mentioned, but what about  
18 individual people that live in between communities?

19  
20 MS. MELDRUM: That's one of the real sticky points  
21 right now. When ADF&G went into the communities and surveyed  
22 them, asked them all those questions, they defined certain  
23 mileposts that they used as their study area. So, what we've  
24 put in this blue book is their information on the people  
25 between those mileposts. And so to make the final decision, we  
26 somehow need to figure out how to include those other people  
27 into these communities - one community or another - so that  
28 they have a determination for them and they're not left hanging  
29 out there. Or, alternatively, I guess we need to lump those  
30 people into some group and then try and find out about them.  
31 So, in other words, the community of Northway was defined for  
32 study purposes as between Milepost 12-something and 12-  
33 something, but that didn't include the people from the Canadian  
34 border up to that first milepost. So, there is a group of  
35 people that weren't included in the studies that we need to  
36 provide for. So, I can't tell you right now where those lines  
37 are going to be drawn, but they will have to be in order to  
38 include everybody in the determination and that's something  
39 that we can and will take input on.

40  
41 MR. ENTSMINGER: Yes, thank you. That was my concern.  
42 There's a lot of, you know, rural people that don't live in  
43 communities per se. They're, you know, maybe just a family  
44 here or a house or a cabin there and, certainly, they have to  
45 be taken into the equation.

46  
47 MS. MELDRUM: Um-hum (affirmative).

48  
49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. ENTSMINGER: Well, thank you.

MS. MELDRUM: Um-hum?

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

MR. PEARSON: So, you're basically using all the information from the State's studies and none of your own?

MS. MELDRUM: Yeah, we don't -- no, we don't have any of our own data.

MR. PEARSON: Are most of those State reports pretty old by now?

MS. MELDRUM: Well, the newest one for the Upper Tanana one that was produced in 1990 from the information from the information that the State gathered in 1987 and '88. So, the most recent information we have is from '87, '88.

MR. PEARSON: That's pretty recent.

MR. LEE TITUS: Six years ago.

MR. PEARSON: Are you doing any checking to make sure that information is still accurate or was accurate in the first place?

MS. MELDRUM: Well, the checking that we're doing is trying to provide people the opportunity to talk to us about what's in here and tell us whether they agree with it or not because our methods include going back out and talking to people about what they harvest and where they harvest it and going back through and doing another study or relying on people come to us and tell us whether they felt the study that was done was okay and whether it represents them well. And to go out and resurvey people again would take quite a bit of time, we were hoping that we could get people to just come and tell us what the problems are or how the maps need to be changed or just whatever they can to help us fill in the blanks. You know, some of the maps -- actually, some of the maps that are in this report were generated in the early eighties, like in 1983 and 1984, and new maps were not produced '87 and '88. So, some of the harvest areas that people identified are about ten years old. So, I don't know whether that's changed or not and I don't have any way of knowing that, whether people felt that was right in the first place. But unless people look at this and look at the maps and tell us that they're right or wrong, the board will use what we have available and we put everything together that we could find on

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515



these communities. So, if people tell us no differently, they'll use what we've prepared here to make their decision on.

2

3 MR. GUSTAFSON: So, you're correlating different things like moose harvest data or harvest tags and stuff like that. What do you think the validity is on some of these at that time? How valid were they and stuff when you looked at the survey that was done by the State?

8

9 MS. MELDRUM: You mean the actual -- when they went out to people's houses and....

11

12 MR. GUSTAFSON: Right.

13

14 MS. MELDRUM: ....asked them questions?

15

16 MR. GUSTAFSON: I mean what -- you're correlating things against each other, but how valid is that? Do you think it's still valid now or....

19

20 MS. MELDRUM: Well, you know, I think at the time, the State did the best they could to try and answer the questions that we needed to address, but the problem really is that in any given year if somebody asks you a question about what you did that year, that doesn't necessarily explain what you did in previous years or what you do now. Like if somebody asked me I eat pancakes every morning and they base it on this week, I'd say no, but maybe I eat pancakes every other week and this is the only week I didn't. So, there are some limitations in that it's only one year's worth of data, so....

30

31 MR. GUSTAFSON: What I'm just saying is I'm questioning the validity of the data you have and I want to find out your opinion on that, of the data that you've analyzed so far to make these assumptions or to make these correlations.

35

36 MS. MELDRUM: Well, I think it's -- the data is limited in time in that it's only for one year and the harvest data is not necessarily representative of what people actually did. But despite whether I feel the data was good or not, it's all I had so that's what I presented. I just felt like I did the best I could to put everything together. Am I supposed to call from the audience? Is that your job? I don't know Robert's Rules of Order. I'm not trying to be disrespectful.

44

45 MS. ELIZABETH ANDREWS: Mr. Chairman, I'm Elizabeth Andrews and I'm the regional supervisor for the Division of Subsistence, Department of Fish and Game, and I feel a bit compelled to offer a few comments since it seems that this

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

report which I haven't seen yet, except in the seats back there till I got here, it does use a lot of information that we collected based on our community studies. But I just wanted to make it clear that the purpose for our collecting the information on subsistence uses in the Upper Tanana was not for making customary and traditional use determinations. We did that project that is being referred to that we did in 1987. The purpose of doing that project was related to the back-scatter, the potential effects that the back-scatter radar project might have on subsistence uses in the Upper Tanana, and it was through a contract that we received money to get information on the communities and the types of effects that might occur if they had that project.

13

14 So, it's probably useful to keep in mind that those data were not collected for the purpose that they're being applied to now, so I just wanted to make that clear. So, if there are some things that you see that are missing from the standpoint of a customary and traditional use determination, it's not because we left those out, because we weren't in the business of getting information for that purpose.

21

22 MR. LEE TITUS: So, in other words, we're going out getting the C&T report with only half of our guns loaded? She said this report was not -- is it later going to be -- it says it's an eligibility report for C&T determinations, but the studies were not to that effect, though, right? I mean, the gathering of information or was that what I heard?

28

29 MS. MELDRUM: Yes. Yes, that's what Elizabeth said and that is very true, they didn't necessarily ask all of the questions that we might want to ask in order to address those eight factors that the board will be making decisions on. So, you'll see if you look through these reports that for some communities or for some of those eight factors, there's a lot of missing information and we've said that. We've said we couldn't find any information on this specific factor and so, as I mentioned earlier, it's unclear how the board will deal with those kinds of situations. But like handling, preparing, preserving, and storing, handing down of knowledge from generation to generation, those are -- we don't have a great deal of information on those two factors, specifically, for most of the communities and then for some of the others there is some missing information. But we tried to say that in the report so that, hopefully, somebody can enlighten us, tell us what they think or tell us that we didn't look in the right place.

47

48 MR. LEE TITUS: C&T determination is really -- we

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

brought that up at our meetings before in our community and I remember when they first talked about the Federal program in Tok. They had a meeting at the community center there in Tok and they were talking about the same thing, all of these eight criteria. And it's really hard for me to -- I'm just giving my own personal opinion right now. Okay? I'm not representing nobody but myself. I probably said this before at our other meetings. If it wasn't for the Native voice, our elders in our community, if it wasn't for their voice, we wouldn't even be sitting here at this meeting. We wouldn't even have this organization, whether it be a State or Federal agency. Because they wanted to protect their subsistence lifestyle and their Native culture, according to State law or whatever law, we were unconstitutional, and then a lot of other things came around that agencies are trying to backtrack and redo or amend or whatever. I just want to -- I just have a problem trying to -- I don't know what the word I'm looking for is - compromise.

17

18 MS. MELDRUM: Is there something that we can do to make this a more open process to get people to help us to communicate these eight factors to the board from the community level? Is there something we can do in that respect?

22

23 MR. LEE TITUS: I don't know. I guess Tetlin Refuge is going to go down to Northway, I guess, sometime, right, doing the same thing? So, I guess they'll have their opportunity at that meeting. But that was one of the concerns I had, was whenever there's some kind of proposal or some kind of decision that affects the local community, they don't have a fair chance to make public comments. They need to find out a week or two weeks before the deadline or something like that before they have -- before the deadline and they don't feel that they're given a fair share of time, the Native people. A lot of the local -- when I come back from meetings like this, I don't go home and have a public meeting and tell everybody this and report what I did and stuff like that, but I visit them on a personal basis and they really get upset sometimes on some things that I say. But, yeah, like I say they're really concerned about being part of the decision-making.

39

40 MS. MELDRUM: Well, Tetlin Refuge had planned to go out to some of the communities and bring these -- or talk to them about these reports and we had said that we wanted to get people's comments by March 5th. If that turns out to be not enough time for them to do that, we can change that schedule to allow them to have the time to look at it.

46

47 Other than that, I guess depending on how much time you wanted to spend on this, we thought that we would like to give

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

you kind of a brief overview on two of the eight factors to show you how we put the information together for the five communities if you feel like you want to spend the time on that.

4 MR. LEE TITUS: We have till seven.

5

6 MS. MELDRUM: We have till seven? We have time, then, right? Okay. Don, would you like to come up, then, please?

8

9 MR. DON CALLAWAY: Can people hear me? Essentially, what I'd like to do is present a brief example of a couple of the factors and how we analyzed them. This is going to be very abbreviated, so I've cut out a lot of stuff. If you have questions, please interrupt me because it might be a little choppy.

15

16 MS. MELDRUM: Introduce yourself.

17

18 MR. CALLAWAY: Oh. I'm Don Callaway; I work for the Subsistence Division of the National Park Service in Anchorage and, as Janice mentioned, we've been working on these C&T determinations. I would want to point out that some of the earlier questions about the validity and reliability of the data, I feel fairly comfortable with some of the information I'm going to present today. I think the ADF&G surveys in 1988 were representative of the communities on some of the measures that we're applying. I think the household survey, as Elizabeth mentioned, wasn't intended to collect C&T information, but it did collect information that is of some -- an important use to us on three of the factors. One is long-term use, another is sharing, and another is diversity of species used. Now, I'm going to talk a little bit about sharing right now, but the household surveys that ADF&G did have proven over time to be fairly reliable and valid and, I think in many cases, a much more accurate representation than the tag data. People, when you talk to them face-to-face, tend to be very congenial, they tend to tell you what their behaviors were. And so I have some confidence in some of this information that I'm going to be presenting.

39

40 Let me start out just briefly with the first overhead. Essentially, what I tried to do, and I'm sure the people in the back can't see this, and my apologies, but I just wanted to start out with this first overhead to say that initially we began to analyze the communities simply as entities unto themselves. Tanacross, Tetlin, Northway, Dot Lake, and Tok were taken simply as an entity that had average responses to a number of issues. But after we initially got into this - and let me just show you why here - but you can see moving from

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

Tanacross to Tok, the percentage of Native households comes from 100% to a smaller percentage here. One of the issues we deal with is length of residency, length of use. The percentage born locally, you can see from 90% or 87% in Tanacross to a low percentage of about 8% in Tok. Average years residence of recent immigrants: you can see that again they're higher in these smaller communities. The point, however, is that there is significant segments of this very large community, Tok, that differ from the averages.

9

10 In other words, they may be overwhelmed by the other households in the community, and let me point out what I mean about that. About two-thirds of the households in Tok are recent immigrants to the region. They tend to have very different behaviors and characteristics than do this other third of the community which we've defined, or actually ADF&G defined, as high harvesters. And high harvesters were defined as any household that took up to 200 pounds of moose, caribou, or fish during the year that this investigation was conducted. Now, based on tag data, the tag data identified eleven households that met that high-harvester criteria. But ADF&G felt that the tag data was very misrepresentative of the actual behaviors in the community, so they took six informed individuals in the community and asked them to tell them based on their perceptions who were people or who were households that were engaged in the harvest of wildlife resources and fish. And based on those six informants, ADF&G came up with about another 271 households from which at least two of the informants agreed that they were high-harvesters.

29

30 Now, I bring this point up to show that the analysis that's going to follow this is that we've separated out this 22g slice of low harvesters, all of which were not Native by the way, from the high-harvester category and the high harvesters were about two-thirds non-Native and about a third Native. It's important to realize, too, that this 11% of the households in Tok that were non-Native represented absolute numbers, a community larger than all but Northway, among the Upper Tanana regions. That is, a significant segment of Tok, although it only, you know, is a small proportion of the total population, that as you'll see performs and does activities in much the same way as the other smaller communities.

42

43 Now, we're talking about sharing and sharing is one of the factors because it makes sense. In arctic and sub-arctic environment, it's clear that the resources are sporadic, they're irregular, and for hundreds and thousands of years, people that have lived in this kind of a climate have realized the tremendous importance of sharing resources between

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

households and between communities. It's simply an extremely pragmatic approach to dealing with the variability. But it's more than that because it's developed into an ethic and a profound value in small Native and small rural communities, including non-Natives, the concept of the ethic of sharing.

5 In Native communities, it's important that the first harvest of a species be shared with the rest of the community and that it not be used for individual purposes. In rural communities, Native and non-Native, there's a tremendous ethic of supporting fellow households in times of need and in reciprocating wildlife harvest. And what we've done here is we've divided the sample into five strata. These are the Tok low harvesters. These are non-Native households in Dot Lake, Tanacross and Northway. These are Native households in Dot Lake, Tanacross and Northway. These are high harvesters, non-Native in Tok, high harvesters Native in Tok, and Tetlin I've used as a benchmark.

17

18 Now, what do we see from these strata when we look at issues of giving and receiving? What we notice is that there's a real difference between these groups of individuals in the way they use wildlife harvest, and I include fish when I say wildlife harvest. Native households in Dot Lake, Tanacross, and Northway, Tetlin and so forth give and receive a fair number of resources. The average household gives three or four resources and receives three or four resources. When we get down to the low harvesters in Tok, we notice that there's a real difference in the pattern; that is, while harvesters, Native and non-Native within Tok share many similarities with the other smaller communities, the low harvesters don't.

30

31 This is a more graphic representation of that last one where it's scaled just to the giving and receiving of resources. And, again, you can see the point that I just made. The low harvesting in households in Tok receive a lot of resources, probably from the high harvesters and other community members, but they give very few resources. So that in terms of this criteria, we're noticing that there's a difference in the behaviors between these strata. Now, I'm not going to have time to explain what this small space, "Multivarying Analysis" is. Most of the information I'm presenting here, as a matter of fact all of it, is under Tab 5 of the book that was handed out. There is a long kind of introductory esoteric and I hope not too confusing section on the statistical measures and how we manipulated them.

45

46 Essentially, what this is doing is it's taking all this information that I presented and it runs it through a multivariate statistical analysis to try and help us condense

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

and graphically represent the variability of what's going on. And what we find is on this, and again it's based on my experience and the literature and I'm sure your own experience, that within small rural communities, people regard their relationships to one another not on a day-to-day basis but throughout time. That is, people realize that when we're younger, infants and young children, that we're recipients of food and resources and support and care and love from others, but as we get older in the family cycle and mature, that we accept more responsibilities in terms of providing for those that are younger than us and providing for those that are perhaps much older than us who, because of health or other reasons, may not be able to obtain these resources. But the perspective is that at no point in this cycle are we necessarily dependent; rather, we understand that we will serve different roles as we proceed through life.

16

17 And, essentially, what this analysis points out is that those that harvest a lot of resources, harvest a lot of amount of resources and a variety of species, give those resources and that those resources are given not only to the younger people but especially to the elders in the community. The older one gets, the more resources one receives. Now, this is kind of a pattern one might anticipate again from a small rural community or a small Native community.

25

26 Now, I did the same analysis - and I'm not going to present it here - for all the other strata. In other words, you get this same kind of outcome whether you look at Native households in the other communities, Tok high harvesters of another ethnicity, and so forth. Everyone except Tok low harvesters. The Tok low harvest pattern looks like this and it makes some sense because in some of the other measures which we haven't gone over many of the low harvesters are recent immigrants to the region. And what this indicates is that they haven't been integrated into these networks of sharing and receiving and that there's no necessary relationship, perhaps because they don't have elders in the community, perhaps because they're from other communities and so forth. Between the age of the informant and resources received, you can see these are all in very different quadrants. I'm not going to go into the statistics of that.

42

43 So, on the basis of this brief analysis, the conclusion we would draw from this with respect to sharing of resources as one of the eight factors -- and I need to underscore that no one factor is going to determine the outcome of the determination. You can't look at just how much was harvested or if people shared, but you have to look at all eight factors;

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

that is, a variety of resources shared, and so forth and so on. But on this factor, the conclusion I would come to is that all the communities give and receive a lot of harvest, wildlife resources, especially the four smaller communities and that a significant segment of Tok - perhaps one-third of it - has similar behaviors, but that there is a considerable population in Tok, about two-thirds of it, that doesn't. I'll go on to the next factor in just a second. Let me give a brief overview of another measure.

9

10 We looked at a variety of measures - again, this is from the ADF&G data - with respect to the number of resources harvested, resources received and given, the total pounds that a household takes, the per capita, the proportion of households that have been in the community less than 15 years, the percentage of households that gave resources. For example, out of the Tetlin, almost nine of out ten households gave a wildlife resource to other households in the community. And in point of fact, this again is a typical pattern where maybe a third of the community will harvest a resource, but up to 80% 90% of the community will use it. And you can see the vast differences between Tok low harvesters, for example, or Tetlin these other strata in communities on this. What I've done to take all these measures and this covers two of the eight factors with respect to the lifelong residency and the giving and receiving of resources.

26

27 Now, we have this breakdown here where, again, we move from Tetlin, high harvesting Native households in Tok, high harvesting non-Native households in Tok, Native households in the other communities, non-Native households in the other communities and, again, Tok low harvesters. So, we've got a continuum here on these two factors moving from more involved in terms of these customary and traditional activities to less involved. And when you put this all together, again, on this small space analysis, this is what you show; that is, that the segments of the Tok community that we extracted are very close. Obviously, closest are Native households in Tetlin, in Tok and the other Native households in the community. But very close to these measures are the high harvesting non-Native households from Tok; whereas low harvesters in Tok and non-Native households in the other communities are very much separated from them.

43

44 Now, that's just one factor. I don't know if you want me to -- well, that wasn't too bad, 15 minutes. I'll be happy to go on to the next factor if you'd like or entertain any questions right now that you may have on this presentation. Are?

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515



1 MR. PEARSON: So, basically, you're not taking no input  
 Before you do this from the community; you're just waiting for  
 Input on your report afterwards, huh?

4

5 MR. CALLAWAY: Well, that's a good question and that  
 whole process is an important one. As Janice has mentioned,  
 there are data gaps and there are questions, and you brought  
 one of them up. How relevant and how recent is this data?  
 Because of the constraints that it would take in terms of doing  
 initial research and writing the report and so forth, in other  
 words, it may take two or three years or two years to develop a  
 research project, collect the data, analyze the data, and  
 integrate it in this process. We weren't -- given the process,  
 we didn't have that much time. So, you're right.

15 What we've done is to try to provide a structure for  
 people to respond to and I think you're right, the process  
 could have been more efficient or -- not "more efficient," but  
 more effective and useful if we started and then worked our way  
 through the whole process with the communities. We simply  
 weren't given that luxury. But what we really hope is that  
 people will not only have a chance to read this, but be able to  
 discuss it with respect to the agency personnel from Fish and  
 Wildlife and ourselves, and to modify our views. Again, we're  
 working at a distance at this point. But, for example, one of  
 the things in there, as Janice mentioned, are these use area  
 maps. You know, we'd certainly like people to sit down in the  
 communities with us and say, look, we think you're wrong on  
 that area or that we used to do it there and you haven't  
 incorporated that, or whatever comments they may have.

30 Now, part of the problem with this presentation is I'm  
 presenting the two factors that we have a slice of data, but  
 Janice's analysis in each of the communities includes a lot of  
 historical factors; that is, there have been a lot of  
 intervening events that have caused people to perhaps not  
 harvest a particular species. Communities were forced in the  
 1950s to send their children to school. That forced people to  
 live in a fixed settlement for a period of time. Normally,  
 they would have had camps for the harvest of various resources  
 throughout their area, but they no longer performed that  
 circuit, so to speak, and so they don't collect the resource  
 perhaps because it made sense to collect multiple resources  
 when they were in that area, but in their present fixed  
 community, it's a long way. It's not effective in terms of  
 time and money to harvest it, sheep or whatever. So, we tried  
 regulatory decisions to influence the way people -- so we're  
 trying to get the history in there as well as this kind of  
 slice of time.

48

49

50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

MR. PEARSON: Well, how much input do you think that you're going to get from the communities on your final report here to correct any misinformation or say, yeah, that's right or, no, it's not?

4

MR. CALLAWAY: Well, I think that's part of our function of being here today. We'd like your response on that. We'd like to -- we'd certainly entertain -- I don't speak for Janice or Fish and Wildlife or anything like that, but I think we want to have a process where people have a realistic opportunity to communicate their response.

11

MR. PEARSON: Well, are you going to be going to the communities, though, with your report here and saying -- you know, talking to some of the elders or the people that are involved with this and say, Does this look right to you?

16

MR. CALLAWAY: That's....

18

MR. PEARSON: It seems to me that it's....

20

MR. CALLAWAY: Among all the Federal agencies, that is including Fish and Wildlife and ourselves, we hope to go to the communities. For example, as Janice has mentioned, we're going on February 23rd to provide an opportunity there. Fish and Wildlife intends to go to each of the communities to give people a chance to respond there, too. I would say that in the best of all possible worlds, the best way to do it would be for us to go to the communities and spend several weeks. We simply don't have that time, we don't have those resources. We've got a lot of other demands. We're a very small unit within -- but given the limitation constraints on our resources, we will try to meet with the community and....

33

MR. LEE TITUS: We'll feed you.

35

MR. CALLAWAY: What?

37

MR. LEE TITUS: We'll feed you.

39

MR. CALLAWAY: You'll feed us.

41

General laughter.)

43

MR. PEARSON: Well, you see, some of my interest was here, you know, in areas -- well, say, in Nenana when the State had their study down there and you probably won't find this anywhere in print, but they included the fish that was supposedly fed to the dog team. So, you look at -- here it is

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

real high here; you go down the road 30 miles and it's 200 pounds less per household per year. Well, I wonder if you all are getting that kind of information. Otherwise, you'd say, yeah, this community deserves it and, no, this community doesn't deserve it. But did you realize that, hey, they're feeding recreational, commercial, or personal use dog teams and it was put on the pounds per household?

7  
8 MR. CALLAWAY: Well, that's an important point, and let me step back and try and address that. The ADF&G harvest simply asked their informant, the household head or whoever they talked to, if they collected a species, the amount they collected and sometimes if they gave or received it. There was no pre-filter to say is this a sports use, is this a subsistence use? They simply collected the amount of biomass that that household took and reported that. The process we're trying to get at here and, as a matter of fact, we do have information on whether -- what was fed to the dogs with respect to fish or any of these others. But the whole process here is that we're trying to use the eight factors to understand the use of those resources.

21  
22 And, again, you can see here that we're not simply going on the number of resources harvested and you have a very different idea -- as a matter of fact, I can show you. All you look at is the harvest of the wildlife resource. Then, all of that fits into these communities because there are a number of individuals in Tok who harvest a large amount. But when you look at all eight factors, there aren't a lot of individuals in Tok -- or a third of them at least -- that give and receive those resources. And when I get to the next factor, if I get to the next factor, we'll show that there are certain harvest attributes or characteristics of certain households that differentiate them from others. If you harvest only a few resources, even if you take a lot of that resource, that doesn't necessarily mean you have a customary and traditional use or pattern of use. And that's what we're trying to define here. Not specifically on just one, but across all eight factors.

39  
40 MR. PEARSON: Well, it's a very important thing that you're doing and without having gone into the communities before you did your report -- basically, on the Alaska's Fish and Game's information -- and I just want to make sure that after your report that you go back and make sure that your original studies are correct.

46  
47 MR. CALLAWAY: Well, and that's right. And that's this validity procedure we're doing now: first to you and to the  
49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

local advisory committees, then to the communities or communities simultaneously with the local advisory committees. And then we'll try to take that input and incorporate it, make those modifications. And no conclusions have been reached with respect to C&T on a particular species for a community. What we're trying to do is to make sure that we have a data base that is as widely reviewed as possible that people can feel that there's some legitimacy to it. And then if people feel comfortable with the data base, then, we take the next step.

9

10 MR. PEARSON: And then, you're saying, that Janice showed us the map of Alaska -- I forget how many units it was broken down into, but -- and then different departments of the Federal government was going to be doing these studies in the different areas. And so it's all supposed to be all -- I don't know, it just seems to me if different departments are doing different areas -- what's the word I'm looking for? It all being equal and even or how it was done could be easily missed. You know, I mean....

19

20 MR. CALLAWAY: Well, what happens is that there's a lot of interchange between us, our branch, and the Park Service, for example, and the Fish and Wildlife Subsistence Division. We talk to Taylor Brelesford (ph) and George and the other personnel in the department. I'm not going to say that there aren't differences in the approach. Sometimes you have different constraints. Dick Pospahala talked about one of the constraints that they had: they were facing a fairly severe time constraint. It takes time even to do this approach, you know, which is just working with available information and hammering it statistically.

31

32 So, I think what will happen eventually is that the Board will reach, eventually, some kind of agreement. You know, again, these are just our initial steps on what constitutes this process.

36

37 MR. PEARSON: How many agencies was doing the different -- was it three or four?

39

40 MR. CALLAWAY: Well, it's four, but -- and, again, I don't want to mislead you; some of the agencies have a different prospectus on how it should be done. Fish and Wildlife and Park Service in terms of their contribution to the Federal Subsistence Board are using within-house personnel. Others may use others and contract out the process.

46

47 MR. PEARSON: Wasn't one of them Forestry?

48

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MS. MELDRUM: Fire Service.

MR. CALLAWAY: Fire Service, yeah.

MR. PEARSON: I mean, it just seems to me, not familiar Superly with the Federal system, I mean what experience does Forestry have doing subsistence studies? You know? I mean, they might count trees, but when it goes to gathering data to work in their report on subsistence....

MR. CALLAWAY: I'm going to plead nolo contendere.

MR. PEARSON: I'll quit the harassment.

MR. CHARLIE TITUS: You took -- excuse me. If you took the same study today, for instance, if Elizabeth was to do the study, and you compiled the information you gathered, it would come up basically the same, right?

MR. CALLAWAY: I think on a number of these measures, especially the ones I just did there, I think it would be fairly, basically the same. Now, Tok may have changed. There may have been more immigrants so that the proportion of high harvesters may be a little lower.

MR. CHARLIE TITUS: But it wouldn't be -- given 5% or 20%, it wouldn't change?

MR. CALLAWAY: No, I don't think -- my personal opinion would be that if they did another harvest survey this year that the conclusions that I just presented would change dramatically. That's my personal opinion.

MS. MELDRUM: It would change?

MR. CALLAWAY: Would not. Would not change dramatically.

MR. CHARLIE TITUS: I have no argument with that because the population hasn't changed that much.

MR. LEE TITUS: James?

MR. GUSTAFSON: Yeah, what type of intervening variables would you foresee that you might have overlooked like the time of the survey or the....

MR. CALLAWAY: Well, you've -- I'm not talking into this?

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 COURT REPORTER: No, this is yours.

2

3 MR. CALLAWAY: Oh.

4

5 MR. GUSTAFSON: Okay. What type of intervening  
6 variables do you....

7

8 MR. CALLAWAY: Yeah, that's an excellent question and I  
9 think Janice touched on some of them, but we can address a  
10 couple of them. One, resource populations vary dramatically.  
11 Caribou have various cycles, other resources vary dramatically  
12 from year to year so that it's quite possible that the slice of  
13 time in '87, '88 doesn't represent the variability in that  
14 resource and its use through time. As a matter of fact, we  
15 know that it doesn't, but that's a constraint that we're  
16 facing. We try to control for that by using the ADF&G  
17 literature and other reports to see if there was something  
18 peculiar about that year that may have influenced it. So,  
19 there's that.

20

21 There's probably changes in harvest areas based upon  
22 resource availability, too. Again, we were going to draw the  
23 areas broad enough that they would encompass what would be  
24 the customary and traditional areas. However, you know, there  
25 are any number of factors that may intervene here with respect  
26 to, look, we haven't used that resource in a number of years,  
27 maybe 30 years, but given our customary and traditional  
28 approach to the harvest of resources and given the change in a  
29 population - say moose go down and the caribou come up - we may  
30 wish to access again that resource in that area. So that  
31 there's a lot of problems with the time-depth issues in there  
32 to make sure that we're flexible enough that we incorporate  
33 people's long-term behavior and not at just one point in time.

34

35 Other intervening variables and, again as Elizabeth  
36 pointed out, this survey was not done with C&T analysis in  
37 mind. There were several areas that had been very useful for  
38 if we could have collected original data on them. For  
39 example, we have some information on the use of wildlife  
40 harvest in ceremonial events like potlatches. We don't have a  
41 lot of systematic information on that. We're very concerned  
42 about how harvesting behaviors are being transmitted to the  
43 younger generation. That's one of the factors. We have very  
44 little information on that because part of the transmission is  
45 not only how you obtain the resource, but the value of the  
46 resource, how it should be managed, how it should be given and  
47 received within the community, you know, the intrinsic worth,  
48 cultural worth of that resource. So, there are a number of

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

intervening variables, but, again, all we can plead is that this was the hand we were dealt.

2

3 MR. LEE TITUS: Yes? Come up to the mike, please?

4

5 MR. CHRIS SMITH: I'm Chris Smith, regional supervisor for the Division of Wildlife Conservation here in Fairbanks. I guess I had two related questions on your analysis. The first one is how do -- in doing the discriminating sort of clustered analysis that you did there, how do you deal with unavoidable correlated factors like for a low harvest household where there is relatively little to give? I mean, you would expect their proportion of giving to be much lower in a low harvesting household. And then a second related question as far as the statistical analysis goes is, given the quality and quantity of the data that you have, what sort of power do those results have?

17

18 MR. CALLAWAY: Yeah, I skipped over the whole discussion of the statistical methodology. That was suggested to me by several people. But, essentially, what I used were a non-metric algorithm; that is, I don't assume normal distribution of the data, I don't assume interval measure. I make gamma measures of ordinal relationships, put those into a matrix and then I don't assume that the correlations within the matrix are necessarily -- .5 is twice as .25. We use a scaling algorithm. So, I make the fewest assumptions that I possibly can about the data in terms of getting the multivaried output. I don't know if that makes any sense to you, but I'll be happy to go through....

30

31 MR. SMITH: It may not make a lot of sense to a lot of people and I guess I wasn't as concerned necessarily about that when it comes time for decision-makers and the Federal Board who have to make some sort of judgment calls on this, how are the staff going to identify and advise those decision-makers about those sorts of unavoidable linkages that exist?

37

38 MR. CALLAWAY: That was your first question and that is certain behaviors are entailed in others. And, again, if I could give you another factor, I could kind of better explain it. But what essentially we do is we don't take just one attribute; we build a composite. Okay? For example, the low harvesting households in Tok not only don't harvest a lot, they don't give a lot. But what they do harvest tend to come from one or two species. There's not a broad variety of diversity to use. So, although these are entailed in each other, they will discriminate on this continuum from what were customary and traditional uses, i.e. harvest a lot of resources and cross

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

a lot of resource categories, give and receive that resource, that still discriminates those users across this continuum. And I think that's our objective and reasonable and valid.

3

4 MR. CHARLIE TITUS: I have a question. I wonder how it would look for doing the same thing for a community like Barrow who has probably 90% subsistence use? The way it would look for the giving and the -- I'd be kind of curious to see what it....

9

10 MR. CALLAWAY: Surprising you would ask. Actually, I don't want to sneak in and give my second talk. If people have had enough, I'm more than willing to stop here. But one of the factors, for example, is the diversity of use, the diversity of species that were used. And what we've done rather than....

15

16 MR. CHARLIE TITUS: Excuse me. I'm trying to think in my mind, I'm trying to keep up with you and I'm not from Tok or Tanacross. I'm not from that area; I'm from Minto Flats but it's, oh, about 100% subsistence lifestyle there as anybody knows. Because it's 75% unemployment, we need all the resources we could get, berry-picking, everything. And, for instance, that compared to -- the low one compared to, you know,....

24

25 MR. CALLAWAY: Barrow?

26

27 MR. CHARLIE TITUS: Barrow.

28

29 MR. CALLAWAY: Okay. Well, I guess to try and answer your question directly, Tetlin would be considered to Minto, it's my guess.

32

33 MR. CHARLIE TITUS: Right.

34

35 MR. CALLAWAY: Okay. And that Tetlin's use of resources, I think, would mirror a community like Kaktovik on the North Slope or Anaktuvuk Pass, but it might not necessarily reflect Barrow which is about half Native and half non-Native at this point in time. So that Barrow would probably be a lot more like Tok; whereas Nuiqsut, Kaktovik, Point Lay, Point Hope, Kivalina would be a lot more like Tetlin. And I think the same analysis, if conducted on the North Slope, would reveal the same kind of continuum and distribution strata. And why I put this up was to show that -- I've got Point Lay here, for example. Point Lay has -- over half the households in Point Lay use about fourteen species, okay, and that, you know, that contrasts with Tetlin who use about ten. Okay. So, they're fairly close on that measure. What happens is that

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515



there are real differences between the resources available between the two areas. In other words, coastal communities have a lot more species that they harvest, so you can't necessarily compare Tetlin to Point Lay or an interior community to a coastal community like Ivanoff Bay because the number of available resources differ. So, what I hope is that what we look at is the variation within the region; that we don't have some absolute measure against which we compare it. But we look at the variation within the region and make the decision based on that. Our next step is to do an investigation of the communities in the Copper River Basin. And, again, I think that those communities will compare and contrast considerably from the Upper Tanana communities. I don't know if I answered your question.

14

15 MR. CHARLIE TITUS: Pretty close. But I was thinking more on a regional basis, I guess. I'm not sure if I know what I'm asking.

18

19 MR. CALLAWAY: Well, let me just show one or two more quick overheads. This overhead shows that although Point Lay certainly wasn't the largest in terms of the number of species that it harvested, it's down here and Ivanoff Bay is up in the thirties. You know, that's a huge number of resources harvested. Point Lay actually leads that group in the total pounds harvested. Marine mammal hunters may take fewer resources in terms of species, but the ones they do collect weigh a lot.

28

29 AUDIENCE MEMBER: Whales.

30

31 MR. CALLAWAY: Walrus and seals. I guess with respect to the -- well, maybe I'll show you two more. I've got two more favorites here.

34

35 MR. CHARLIE TITUS: I can't remember your name.

36

37 MR. CALLAWAY: Don.

38

39 MR. CHARLIE TITUS: What you're trying to tell us is the differences between subsistence use in the areas?

41

42 MR. CALLAWAY: Differences between what we define as customary and traditional uses of wildlife products and how that varies between communities and within communities. And this one, for example, shows that the four smaller communities in the Upper Tanana region harvest a variety of resources across every resource category. The average household takes some resources from plants and berries, non-salmon fish,

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

salmon, and so forth. Okay. More than half the households cross all resource categories. Whereas in Tok we see a very different pattern of use. The majority of the households take it from big game. So, on this measure - and, again, I'm not talking about the high harvesters in Tok - but just comparing the communities in toto against each other, you would see that this would probably be more of a customary and traditional pattern to utilize all the resources that are available out there across a broad variety of resource categories. That would be a customary and traditional subsistence activity. If you take a lot of big game alone, you don't share it, you don't take a variety of other resources and so forth, that probably falls on the other end of the scale, more towards sports hunting or maybe recreational. So, that's the kind of continuum we're using and they each have different dimensions.

15

16 And you can see the same kind of thing -- and these are my last two slides, I swear. That's one of my favorites just because it's....

19

20 MR. CHARLIE TITUS: That's a messy one.

21

22 MR. CALLAWAY: I like it. Essentially, what this shows 23 the percentage of households that take a certain number of species and as you can see, if you look at this red ribbon in the front here, this is Tok, and they tend to take kind of a straight line. You know, 5% of the households take this; whereas for the other communities, a huge proportion, over 30%, take nine or more resources. So, again, there's a big difference between the communities in the number and variety of resources that they harvest. And this one shows, for example, that if we look at the eight species level right here, if we look at Tetlin, 90% of the households in Tetlin take more than eight species. Whereas, if we go up here, still at the eight Tok, more than half the households in Tok take less than eight species.

36

37 Okay. I'm going to end it there in terms of these overheads. Are there any other questions, especially about the process that Janice or I can answer?

40

41 MR. LEE TITUS: Yes, Frank?

42

43 MR. ENTSMINGER: Thank you, Mr. Chair. Don, just thinking in terms of, you know, the analysis that you did with the comparison of Tok and the rest of the Upper Tanana communities, actually, I would say that's probably a pretty fair analysis. But is there going to be any -- I think what Chris Smith was trying to get at is how are the Federal people

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

going to deal with a situation like that? Is there any insight on that?

2

3 MR. CALLAWAY: Well, I don't have any because I haven't  
 4 been through this process; I don't think they have before. And  
 5 I think my previous experience is you can have an awful lot of  
 6 data and how that gets interpreted or integrated in the  
 7 political process may be something very different. My guess  
 8 is, and the point that I would make to the Subsistence Board  
 9 with respect to Tok, is the point that even though it's a small  
 10 proportion of the households in Tok, a third or if you look at  
 11 just the Native households, 11%, that are high harvesters and  
 12 exhibit this customary and traditional use on these factors,  
 13 these two factors, that's still a significant concentration  
 14 equal to or greater than all the other communities. As to how  
 15 they'll analyze and balance that, I simply don't know. Maybe  
 16 Janice does or somebody else would have some insight. I don't  
 17 know how the staff committee or the board will react to the  
 18 analysis.

19

20 MR. ENTSMINGER: This is basically something that the  
 21 main Federal Subsistence Board will have to deal with, I guess,  
 22 right?

23

24 MR. CALLAWAY: That's right.

25

26 MR. ENTSMINGER: Okay. Well, that pretty well answers  
 27 as well as it can be answered.

28

29 MR. CALLAWAY: Yeah, and I think I'd lead you astray if  
 30...

31

32 MR. ENTSMINGER: Sure.

33

34 MR. CALLAWAY: ....tried to predict.

35

36 MR. ENTSMINGER: Thank you.

37

38 MR. CALLAWAY: I don't know. And that's one of the  
 39 reasons I like colorful slides.

40

41 (General laughter.)

42

43 MR. ENTSMINGER: It's enlightening, if nothing else, I  
 44 guess.

45

46 MR. CALLAWAY: Well, they're easier to digest,  
 47 especially for regional directors that are in a hurry.

48

49

50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

1 MR. ENTSMINGER: Thank you.  
2  
3 MR. CALLAWAY: Thank you.  
4  
5 MR. CHARLIE TITUS: I don't know what -- I kind of like  
6 it, but it just goes to show I eat ten species and maybe that  
7 guy over there eats four.  
8  
9 MR. CALLAWAY: These are averages.  
10  
11 MR. CHARLIE TITUS: Um-hum.  
12  
13 MR. CALLAWAY: And obviously, you know, there are other  
14 households that consume a lot more. And I didn't go into the  
15 basic data. This is kind of the end. I haven't shown you the  
16 step-by-step process, how I arrived at this, and that's  
17 unfortunate but because of time constraints, I -- to show you  
18 the real variation that exists.  
19  
20 MR. LEE TITUS: Excuse me. I think I read in the paper  
21 something last year or something that Tanana Chiefs  
22 Conference had a contract from Fish and Wildlife Service or  
23 some Federal agency to do a subsistence study. Was any of this  
24 that survey?  
25  
26 MR. CALLAWAY: No, it wasn't.  
27  
28 MR. LEE TITUS: Do you remember which agency was....  
29  
30 MR. CALLAWAY: It was Fish and Wildlife. Fish and  
31 Wildlife could address that cooperative agreement with TCC.  
32 I'm not sure they covered any of the Upper Tanana communities  
33 that research.  
34  
35 MS. MELDRUM: No, it was the....  
36  
37 MR. CALLAWAY: Could somebody from Fish and Wildlife  
38 respond to that? George?  
39  
40 MR. LEE TITUS: Don't all stand up at one time.  
41  
42 MR. SHERROD: George Sherrod with Fish and Wildlife  
43 Service. Could the question be restated?  
44  
45 MR. LEE TITUS: I was just -- I knew that TCC got a  
46 bunch of money from, I don't know who, the Feds or some Federal  
47 Agency, Fish and Wildlife Services I believe it was,....  
48  
49 MR. SHERROD: Correct.  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. LEE TITUS: ....to do a subsistence monitoring....

2

3 MR. SHERROD: Correct.

4

5 MR. LEE TITUS: ....thing and I was wondering if any of  
6 this information was used in preparing this.

7

8 MR. SHERROD: We have yet to receive the information  
9 from TCC. They're still in the collection process. It has not  
10 been condensed and forwarded to our agency. So the Park  
11 Service, in their analysis, has not had the benefits of that  
12 data because we have yet to get it. TCC is still in the  
13 process of compiling it and, hopefully, within a month or so  
14 they should have some material to us.

15

16 MR. LEE TITUS: There was no deadline in the contract?

17

18 MR. SHERROD: Well, there was. They've fallen a little  
19 bit behind. They had some staff problems and turn-over and  
20 they've fallen a little bit behind. If I could add,  
21 Mr. Chairman, since I've come back up here,....

22

23 MR. LEE TITUS: Yes.

24

25 MR. SHERROD: ....perhaps looking at this, it's more  
26 clear what I tried to point out when we talked about the Kenai  
27 C&T, the implications. One of the things, when we look at that  
28 open document, as I said, there is a scenario, there's three  
29 sets, Options A, B, and C. The primary difference between the  
30 outcomes in those options as to whether everybody gets it or  
31 nobody gets it sort of comes down to the point of what data or  
32 what information do you consider critical to make that  
33 determination. In Janice's example about eating pancakes, if I  
34 decided that I was to do a study and say, Do you have the  
35 customary and traditional right to eat pancakes or not? if I  
36 approached and say, Did you ever eat pancakes in your life?  
37 That would be fairly easy to do. And if you said yes, then,  
38 you would get it. If I said, Have you never not eaten  
39 pancakes? I'd have to monitor her everyday. Or, Have you eaten  
40 pancakes 50% of the time? Then I would have to monitor that  
41 behavior.

42

43 So, depending on just exactly how much information you  
44 need to make the decision or what you establish as the  
45 criteria -- long-term residency was an example that really  
46 popped a lot of people out in the Kenai C&T. If it was  
47 decided that it had to be four or five generations, for  
48 example, you're going to have communities that had had a recent

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

growth pattern such as Tok that all of a sudden simply because there wasn't the people they want there. If you say one generation is enough, then they shoe in. So, the -- I suppose the implications for the Kenai C&T process and what the Park Service has done and what we did on Kenai, and that is basically have to rely on existing information. That information can be more than adequate if you establish a criteria level that says if they ever had it, they get it. But if you establish a criteria level that says 90% of the community has to do it 50% of the time, then, the information is not there to let us know did 90% of the community do it 50% of the time. Does that seem to -- I mean, that's why I guess David had asked me to talk about C&T on the Kenai and the process. And if you look through the green book, if you look through I think the first five or ten pages, it explains, sort of, the logic behind how those three different outcomes come out. As I say, it's just an example of how the situations can change based upon what threshold level you decide is necessary for reaching a conclusion. And, again, the simpler the threshold level, the less complex the data has to be.

20

21 MR. LEE TITUS: Thank you. Any more questions? James?

22

23 MR. GUSTAFSON: Yes, Mr. Titus. I don't know, I've always thought about data being -- you know, I've had statistics before and in order for something -- to make a determination, or proper determination, you had to have data that's two things, you know, reliable and valid. And you have all sorts of things that can affect that. You have these things called intervening variables and those things are thrown all over the place. And I don't feel -- you can correlate just about anything and make it look just about any way you want it, you know, in this data. And if it doesn't have these two things, you can't make a determination on it. But you can see trends. You know, you can make recommendations on old data and trends. I can see these trends, but in order to have up to date information to make these -- you have to have up to date information to make these determinations. I just can't go with a report that doesn't use this. I don't feel right about it.

39

40 MR. CHARLIE TITUS: Yeah, but then on the other hand, they have these species, who takes species and who uses them, who eats muskrat and who doesn't.

43

44 MR. GUSTAFSON: Yeah.

45

46 MR. CHARLIE TITUS: And who depends on that muskrat for food. It's all in there. There's eight different species, particular species. So there's people that take species down

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

in Tetlin that use it and then there's people in Tok that don't.

2

3 MR. GUSTAFSON: I'm not....

4

5 MR. CHARLIE TITUS: How do you answer those kind of questions?

7

8 MR. GUSTAFSON: Well, there are trends. We do see these trends like at Tok where they....

10

11 MR. CHARLIE TITUS: I don't think the Federal Government would change things to the way they wanted it.

13

14 MR. GUSTAFSON: I see a thought that is good in using the -- you know, what type of data they have available, but I can see the point where their lack of time and lack of funding in procuring new data. I know if they had that, it would be undertaken. But on these trends or the -- what I'm trying to say is what we have here is just taken off of old data, right? That's that correct?

21

22 MR. CALLAWAY: Well, what you have there, under the 5th tab there, is very dependent upon the 1987 and 1988 ADF&G Harvest survey. What you have under the first four tabs is dependent not just on that, but on people's experience in a community, talking about the historical changes over time. So, you're right, we don't have time-series data for the harvest survey, but we have people's experience and perspective about how things have changed and we've tried to incorporate that. We've tried to incorporate more than what's just in the harvest data in the total analysis for the community because some of those factors simply don't lend themselves to statistical analysis....

34

35 MR. GUSTAFSON: Yeah, I see that. Yeah.

36

37 MR. CALLAWAY: ....even if we had the data. You're quite right about intervening variables, but what I'm trying to say is that the multivaried solutions we used control for the interactive effects of each variable on each other. Now, you may say there may be variables you haven't included, and you're quite right on that. But, again, our hands are kind of tied for that. I guess to me the bottom line and the benchmark about this process and this analysis is your visceral reaction: Does what we've said seem to be, in your experience, valid and reliable? Does it meet what you've viewed? And if it doesn't, then, you need to tell us that and that's -- and then we'll try and work back from that. But I think it seems fairly

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

consistent, and I'm relying on some experience with analyzing statistical data. But the outcomes seemed fairly consistent with my expectations of people's behavior and....

3

4 MR. LEE TITUS: Yes?

5

6 MR. PEARSON: Mr. Chairman, I'd like to ask Don and Janice on that one. So, as I see your report, it will reflect on whether a community or an area lives, say, in the mountains - the Brooks or the Alaska Range - or lives upon the coast or near a river, and maybe one community or area can't harvest as many different species, but still -- I mean, that can't be held against them.

13

14 MR. CALLAWAY: Well, I think you're absolutely right. Tetlin has experienced a real change from a dependence on caribou to a change on moose....

17

18 MR. PEARSON: Right.

19

20 MR. CALLAWAY: ....because of intervening variables. That's mentioned in Janice's report. We've tried to include all those -- some of those or as many of those intervening variables as we have information on. How that will be processed by the Federal Subsistence Board is another step, and I don't know how that will work. In other words,....

26

27 MR. PEARSON: Well, but I mean it will be explained like people in the mountains might have caribou and some moose for subsistence, and berries and whatever, but surely they don't have the salmon or seals or anything else to make up the great big pounds per household.

32

33 MR. CALLAWAY: Well, Janice talks about that. Maybe you want to respond that, Janice.

35

36 MS. MELDRUM: He's talking about your diversity data comparing Point -- Ivanoff Bay and, you know, if they don't have the resources available, then....

39

40 MR. CALLAWAY: Oh, yeah, that's controlled for because it's going to be within region comparisons. But beyond that, Janice's analysis talks about how communities share with each other; in other words, how people trade muskrat and moose for salmon, how they trade fresh water fish for other products. So, that's in there. It may not be as quantified as some of this data because, you know, this is very representative since, you know, 70% or 80% of the households in all of the communities except Tok were interviewed. But we've tried to

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515



incorporate all that other peripheral -- well, not peripheral, but collateral data in the presentation of the facts.

2

3 MR. PEARSON: Well, I just think that the public, us, since this is being presented for the first time I guess, need to go back and look at their report as it pertains to your area and then if you see a problem with it, it needs to be pointed out. I mean, I'm impressed. I mean, I think it's kind of like a pencil-whipped job, but it's very impressive. I mean, you've got all the facts and figures and it looks like you're looking at the different angles of what species are available to the different communities and things like that. I mean, you're just taking data and making a report out of it and, without having been there first-hand, it looks pretty impressive. And I think it's going to be up to the different communities to go back and everybody look and say do I agree with this.

16

17 MR. CALLAWAY: And that's exactly the stage and step we're at right now.

19

20 MR. LEE TITUS: When's the meeting? February 23rd in Tok?

22

23 MR. CALLAWAY: Yes.

24

25 MR. LEE TITUS: That's at the library? I know you gave me a paper....

27

28 MS. MATTHEWS: Senior Center.

29

30 MR. LEE TITUS: Senior Center? Okay. Thanks.

31

32 MR. CHARLIE TITUS: Maybe the State doesn't like this study, I don't think, because it gives the subsistence users a strong -- something to stand on, on how much they're using subsistence in their community; whereas I've never seen a study like this before. I mean, I think it's real good. I'm impressed myself. I've never seen anything done like this before.

39

40 MR. CALLAWAY: Thank you. It was a lot of work. Janice is to be thanked because she -- just writing the document and getting them out to the people is an enormous undertaking.

44

45 MR. LEE TITUS: In a lot of -- in the next 50, 60 years, a lot of these things are going to -- a lot of these numbers and graphics are going to really change and I'm not -- when it comes to the subsistence issue, I'm not trying to think

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

of only right now or tomorrow, you know. I have kids and grandkids that's going to have to make a living for themselves in the future after long and I want some kind of ground work or some kind of a foundation for them to be able to harvest, you know, whenever they wish. And I know that a lot of these things are going to change, like I said, in the next 60 years, 40 years, whatever. But we have to keep in mind that we have to be open to allow for changes, too. David?

8

9 MR. JAMES: Mr. Chair, I see that it's 5:00 o'clock. Because the public notice indicated that there would be an opportunity for public testimony these evening, I think the Council is obligated to meet at least briefly, if not longer, at 7:00 o'clock, and this discussion could be continued at that point if you wish.

15

16 MR. LEE TITUS: Not me. (Laughs.) Any more questions? Anybody have any questions concerning the C&T determinations? Anybody else here have any questions?

19

20 MR. GUSTAFSON: I'd still like to comment. You have to agree that the data and all, it is pretty interesting and it's something to go on and it does indicate trends and things like that. And I just want to make sure that what I decide on, I can live with, you know, or I can -- on recommendations, you know. I'm all for scientific method of determining things, but also there's the human factor of being able to integrate it, integrate it into our lifestyle.

28

29 MR. LEE TITUS: As far as your comment, we never had any public testimony all day now and I don't know if anybody is going to show up this evening.

32

33 MR. ROACH: Mr. Chairman, I think as a council, though, if it was presented to the public that we would be available for public testimony, I do believe it's our responsibility to make that time available.

37

38 MR. JAMES: Mr. Chair?

39

40 MR. LEE TITUS: Yes?

41

42 MR. JAMES: I suspect that it is the prerogative of the Council to decide whether they'd meet tonight or not, but I think what's at stake is the possibility of compromising your credibility, frankly. You know, all it takes is one person that shows up here eager to give some testimony and there's no meeting, and I don't think Fish and Wildlife Service is going to suffer for it; I just suggest that the Council's integrity

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

may suffer for it.

1

2 MR. PEARSON: Mr. Chairman, I have to drive 100 miles  
3 home tonight, but I'm more than willing to be here at 7:00  
4 o'clock in case there's somebody that wants to speak.

5

6 MR. CHARLIE TITUS: Mr. Chairman, you'll have to excuse  
7 me. I've got a ball game at 9:00 o'clock and I've got to drive  
8 30 miles to get to it. But I will be back here at 8:30 in the  
9 morning.

10

11 MR. LEE TITUS: Okay. We'll take a recess till seven.  
12 Thank you, Don.

13

14 (Off record; 5:00 o'clock p.m.)

15 (On record; 7:00 o'clock p.m.)

16

17 (Mr. Charlie Titus not present)

18

19 MR. LEE TITUS: We're going to reconvene the meeting  
20 and come back to order. Before we broke for dinner, we were  
21 talking about the Upper Tanana C&T determinations and I'm just  
22 giving the public right now the opportunity to say anything, if  
23 they have any comments on the presentation that was made  
24 earlier. If not, we're just going to go on with the agenda and  
25 get into public testimony. Yes, David?

26

27 MR. JAMES: Mr. Chair, a couple of things. Of course,  
28 if you wish, you can continue the discussion on the subject you  
29 were dealing with before the break, the Upper Tanana customary  
30 and traditional determination, realizing that it's an  
31 informational exchange only. No, I'm wrong. You still have a  
32 quorum. Okay. I stand corrected. You can take action if you  
33 want. The other thing that, if you want to do it this evening,  
34 Item 5 that's scheduled for roughly 4 p.m. tomorrow if you  
35 want. It's the annual -- this coming year's Annual Report.  
36 There are at least two items that you all can take up this  
37 evening, if you want to.

38

39 MR. LEE TITUS: So, the Annual Report will just contain  
40 the minutes or the decisions that were made today?

41

42 MR. JAMES: Well, that's one of your options, is to  
43 decide how you all want to do the report. There are guidelines  
44 ANILCA and in the regulations.

45

46 MR. LEE TITUS: Um-hum.

47

48 MR. JAMES: And if you were to follow those guidelines,

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

I think you would find it's a fairly in-depth -- it could be an in-depth and lengthy report. It could take a lot of time. That's the reason it's on the agenda now, is that if it does turn out to be an in-depth report, we need lots of lead time so that appropriate actions can be taken.

5

6 MR. PEARSON: Mr. Chairman, I'm thinking maybe we might be getting ahead of ourselves if we take the Annual Report on now, being as we have regulations to look at tomorrow and also Charlie's not here this evening.

10

11 MR. LEE TITUS: Yeah, I think based upon what you say, 12 think there might be some proposals tomorrow that we're going 13 have to include in the Annual Report.

14

15 MR. PEARSON: Would that be improper to look at 16 proposals or mention proposals? I mean, have a problem that 17 comes out of the proposals that we might be wanting to put in 18 the Annual Report?

19

20 MR. JAMES: No, that wouldn't be inappropriate at all.

21

22 MR. ROACH: But the Annual Report is not due until our 23 next meeting -- after our next meeting, so we still have one 24 meeting to discuss the information that we might go over later. 25 I think what David is -- just correct me if I'm wrong here, 26 but I think that we need to get into that Annual Report a 27 little bit just to talk about some of the needs that we might 28 have gathering information so that it's all together for our 29 next meeting. There's really nothing -- we're not going to put 30 together an annual report now; that's going to come later. 31 We're just going to decide on some of the things that are going 32 to go into it maybe. Before we go on with that, Mr. Chair, if 33 could. I'm looking for a time-line that goes along with this 34 Upper Tanana Regional customary and traditional use report as 35 when the determinations are going to be made. I understand 36 that there are going to be public meetings on February 23rd, 37 but I don't see anywhere in here where the Regional Council 38 will have their input other than during the public testimony, 39 and that is the only time that we can make our input. We need 40, as a council, if we're going to do anything formal, make 41 any formal decisions or requests to the board, we need to do 42 that before some decisions are made by the board.

43

44 MR. PEARSON: Maybe you -- maybe, Mr. Chairman, you can 45 call Don or Janice, is it, back up and find out before our next 46 meeting whether we'll be -- or after our next meeting whether 47 we'll have a chance to comment on it.

48

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. LEE TITUS: Janice is not here, but Don's here.

1  
2 MR. CALLAWAY: Don Callaway, National Park Service. I  
don't have the particulars with me. Janice has the outline of  
the schedule, but I guess what I'd like to do is kind of  
5 visit the process to make sure that people understand the  
process we're going through. We're going to take public  
comment and visit the communities and so forth with this draft  
document that contains no recommendations. Then, once we  
9 incorporate all the public involvement and other information we  
receive, we'll go final with that document by sending  
amendments to the document or a new document out. When that  
document is finished, the final of that, then we will draw the  
recommendations.

14  
15 Now, what you saw from the Kenai today was that phase.  
16 They've already finished the first phase and the second phase.  
17 We're still in the first phase; that is, going over the  
information. So, I don't know when your next meeting is, but I  
don't anticipate that this draft document prior to any work on  
the recommendations will be done, say, by mid March. Do you  
know when your next meeting is?

22  
23 MR. PEARSON: November, wasn't it?

24  
25 MR. ROACH: It should be around October of next year.

26  
27 MR. PEARSON: Or this year, you mean?

28  
29 MR. ROACH: I mean, this year, so....

30  
31 MR. PEARSON: And, as I remember, that schedule of hers  
was getting right down there to October.

33  
34 MR. CALLAWAY: Yeah. And I don't want to misspeak  
here. Where would you like to have input? Prior to the  
formulation of the recommendations? Obviously, you can have  
input during the draft proposal study, but I guess I'd want to  
say that we'd like to hear what your concerns are and try to  
meet that. I can't speak for the deadlines because that's not  
my decision. But what's your preference?

41  
42 MR. LEE TITUS: Okay. When you said "our  
recommendations," you're talking about the Park Service  
recommendations after the public comments and everything?

45  
46 MR. CALLAWAY: Yeah, and it'll be the Federal  
Subsistence Board staff committee's recommendations. We'll  
help draft them, but the recommendations themselves will....

49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. LEE TITUS: Will come from the Federal Subsistence  
 Board?  
 3  
 4 MR. CALLAWAY: Subsistence Board, right.  
 5  
 6 MR. LEE TITUS: Okay.  
 7  
 8 MR. CALLAWAY: And so -- but that certainly sounds like  
 it's going to happen before your next meeting, if your next  
 meeting is in October or November of this year.  
 11  
 12 MR. LEE TITUS: Are we going to have an opportunity to  
 state our comments after the board's recommendation?  
 14  
 15 MR. CALLAWAY: Well, I guess I'd like to say that we  
 want to be flexible enough that during this process if you'd  
 like to hold a meeting or hold a workshop or something like  
 that, that we'd want to be responsive to that.  
 19  
 20 MR. LEE TITUS: Um-hum.  
 21  
 22 MR. CALLAWAY: And just where you want it in the  
 process, I guess it could be negotiated.  
 24  
 25 MR. PEARSON: Lee, I think I can clarify. I think  
 maybe you're saying it'll go to step 2 somewhere in October or  
 that's what that schedule I think said. Or does it?  
 28  
 29 MR. CALLAWAY: No, no.  
 30  
 31 MR. PEARSON: That's final phase there, huh?  
 32  
 33 MR. CALLAWAY: No, the final phase of the document,  
 this binder here,....  
 35  
 36 MR. PEARSON: Um-hum.  
 37  
 38 MR. CALLAWAY: ....will be sometime this spring.  
 39  
 40 MR. PEARSON: All right. And....  
 41  
 42 MR. CALLAWAY: And then we use that; that is used by  
 the staff committee and the Federal Subsistence Board and  
 ourselves to draft recommendations. Once everybody is agreed  
 as best we can do on the facts that are contained  
 there, then, those facts will be taken to proposed  
 recommendations.  
 48  
 49  
 50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

MR. PEARSON: Well, it seems almost like those communities are -- I mean, I could read this here and not know if it's true or not. It seems like those who are here tonight that are from that area need to go home and read over it quickly and see if they see anything that they see that's obviously that they don't agree with, because this could be our last chance to comment on it.

7

MR. ROACH: Mr. Chair, I don't have any concern as to how the book is going to be -- this report is going to be dealt with, with public comment. There's going to be a lot of opportunity for that and I don't know that the Council -- this is just my personal opinion. I don't know that the Council needs to make recommendations on the report. I would like to get into the process somewhere between when this report is completed and before the staff committee is able to make their recommendations so that we have some say as to what those recommendations are going to be and maybe what way this report is used to make those recommendations.

19

MR. CALLAWAY: Well, again, I don't have the authority to make these decisions, but the Fish and Wildlife system -- process with the Kenai was that, as I understand it and correct me if I'm wrong, Bill, but the report that you have went final, when they drafted the recommendations, those three recommendations they mentioned; then, the Southcentral Council met and went over everything and actually drafted their own recommendations. So, I'm not sure. Is there some protocol, Bill, with respect to their involvement during the drafting of the recommendations?

30

MR. KNAUER: Don is absolutely correct in what happened. That small green book that you got was essentially the condensation of the larger book and an elucidation of three alternative ways of dealing with it. And after that was produced, about two weeks after that, then, the Southcentral Regional Council had a working session. In other words, it was not a public meeting; it was just the council, the coordinator, and a couple of staff people to brief them on the document. And then from that, they prepared their recommendations, and that just happened last week.

41

MR. CALLAWAY: Is there anything that says that they couldn't be involved just prior to the drafting of our recommendations in terms of drafting their own simultaneously? Or what's the process there? Is it better that they respond after we draft -- the Federal Subsistence staff committee drafts the recommendations, or do you know?

48

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. KNAUER: Well, as in the Kenai C&T booklet, there are three different alternatives or recommendations; there is not one recommendation. And from that, because there was no singular choice, the council felt that their input after that was adequate. They didn't feel that they had to be involved before that.

6

MR. GUSTAFSON: Mr. Chairman, I mean, I can see you take information and then you condense it down and take your eligibility report, all of the information and condense it down into a draft form of recommendations and then it goes through some sort of process and is finalized. But I still think there needs to be time for additional information from outside sources to be added. And in order for that to happen, I think we should make some sort of recommendation that we allow for this, either using a time-frame and Federal would allow these communities to have input on that. You know, they could see this report and have time to comment on that, and then other agencies have interest like Tanana Chiefs. Like there was a subsistence report mentioned like from TCC and there's probably other information we need to look at before recommending something that we would approve of something. The way we could probably do that is just make our recommendation, make a motion to do that rather than -- and then go along with that.

24

MR. LEE TITUS: After the board makes their recommendation, is that the end of it? There's no time for public comments based upon their recommendations or is it law?

28

MR. CALLAWAY: No, no, no. As I understand it, once the recommendations are out, then, Bill -- we draft a proposed regulation that goes out for public comment. Is that correct?

32

MR. KNAUER: Mr. Chair, what happens is that the document that you have is the first step: the draft and final of it. And that's more or less a consolidation of data and there probably will be very little added to it, very little new data. They have done an extensive job of looking at what's available. They will be talking to the people and having the meetings as described, you know, like on the 23rd, which is more a "is this more or less an adequate description?" And then from that comes a set of draft alternatives or draft recommendations. That is probably the most meaningful place for the Council because at least on the Kenai, the council was making their recommendations before the staff committee. The staff committee has not met and discussed that yet.

46

So, let's assume that it follows the same process. You may choose to change for your area, but let's assume that it

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515



does. In the Kenai, the thin green book was produced, the regional council had a working session, the staff committee will meet; in fact, they are meeting the 10th and 11th, and I believe one or two members from the regional council are going to appear before the staff committee and present their council's recommendation to the staff committee. The staff committee will then make a recommendation to the Federal Subsistence Board as will the regional council. The board will make a preliminary decision on one of those alternatives or maybe something in between and a proposed rule will be developed which will be published in the Federal Register and there will be a public comment period of 45 or 60 days. That is an additional opportunity to comment either by the public or by the council and then the comments that are received will be evaluated and the board will meet again and make its decision which will be a final decision, and then the final rule will be published. So, it is a rather extensive and lengthy process, but your most meaningful input would occur probably after document that has some alternatives or recommended conclusions appear and before the staff committee meets. Somewhere in that time frame is probably the most advantageous spot.

21

22 MR. CALLAWAY: Well, I don't think Bill wants to  
 23 speak, but you can have important input in terms of the  
 24 view of this draft document in front of you as a council and  
 25 individuals and as representatives of the communities. And  
 26 certainly will modify and add and so forth, whatever data is  
 27 there. I think what you're saying is, in terms of....

28

29 MR. KNAUER: Of a decision.

30

31 MR. CALLAWAY: ....of a decision....

32

33 MR. KNAUER: Yeah, that's not a decision document that  
 34 you have in front of you; that's a data document.

35

36 MR. LEE TITUS: Yeah, the reason I'm asking is because  
 37 I'd like to have an opportunity to make my comments based upon  
 38 the recommendation of the board. And I stated this before:  
 39 That there's a lot of little things when you get into  
 40 subsistence issues, especially when you're getting into C&T  
 41 terminations in local villages, that the Subsistence Board  
 42 don't take into account and I'd just like to make comments on  
 43 things that are not addressed on these topics. And that's the  
 44 reason I was asking about -- you know, I didn't want the board  
 45 make into law something that's going to really affect the  
 46 community.

47

48 MR. JAMES: Mr. Chair?

49

50

#### R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515

1 MR. LEE TITUS: Yes, David?

2

3 MR. JAMES: I think the suggestion that Bill has given  
you is a good one. I guess I would add something more to it.  
First of all, I think the way he described it -- I guess I  
wouldn't describe it exactly the same, as being the optimum  
time for you to come together, say, for instance, in a work  
session. I would say that's the eleventh hour at that point.  
You certainly have the ability to get involved before that,  
before the recommendations come out. That's going to be up to  
all of you to decide how you want to do it. But I certainly  
wouldn't do it any later than the way Bill described it.

13

14 MR. GUSTAFSON: Mr. Chairman, that would -- Mr. Knauer  
mentioned it would be, what, the 10th and 11th before they --  
February, is that correct?

17

18 MR. KNAUER: February 10th and 11th.

19

20 MR. GUSTAFSON: For....

21

22 MR. KNAUER: That's when the staff committee is meeting  
23, among other things, go over the Kenai C&T process.

24

25 MR. GUSTAFSON: So, what will they be doing then,  
26 specifically, then?

27

28 MR. KNAUER: The staff committee will be looking at  
29 that book of conclusions, that little green one,....

30

31 MR. GUSTAFSON: Um-hum.

32

33 MR. KNAUER: ....and will also be hearing what the  
34 commendations from the regional council, the Southcentral  
35 Regional Council....

36

37 MR. GUSTAFSON: And which -- I mean, they -- like the  
38 three policies, you know, A, B, and C, I mean, will they make a  
39 commendation at that time which one they would use, then,  
40....

41

42 MR. KNAUER: That's one of the things that they will  
43 probably be discussing.

44

45 MR. GUSTAFSON: So, in our case, when we come down to  
46 making our recommendation and if we don't agree on -- we might  
47 agree on parts of each one. That's what I'm saying and that's  
48 what I want -- I'm concerned about because some people might

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

accept certain parts and I don't want to be -- like I said before, a decision that's pretty cut and dried might not agree with everybody.

3

4 MR. KNAUER: The Southcentral Regional Council, in fact, has an additional alternative that is not included in there that they developed out of their work session.

7

8 MR. GUSTAFSON: I know that as a subsistence council we make recommendations to the board and that probably at this time we could make that recommendation for either -- about that very point, you know, on the policies; that they be subject to -- that they're not cut and dry. They're able to make a recommendation that you can work with that type of policy and change it if the need arises, according to the specific situation.

16

17 MR. JAMES: Mr. Chair? Bill, didn't the Southcentral Council actually have two working sessions on this process, that I know of?

20

21 MR. KNAUER: The first was a briefing along with the staff committee....

23

24 MR. JAMES: So, it really wasn't a working session, but was a briefing session?

26

27 MR. KNAUER: It was a briefing session, yes.

28

29 MR. JAMES: But they met specifically for that purpose?

30

31 MR. KNAUER: They met to receive a detailed briefing, but in that it had -- the main thing that they objected to was that there were no alternative conclusions within that for them to look at. They were not debating so much the data, but they were interested what the recommendations and conclusions would be. That's where they wished to make their comments.

37

38 MR. LEE TITUS: So, we can call a special meeting on 39, or a workshop after we get a full -- after the public comment period, right, to make our own recommendations?

41

42 MR. JAMES: Mr. Chair, you can do it before then.

43

44 MR. LEE TITUS: Um-hum.

45

46 MR. JAMES: You know, you don't have to wait to make comments on the proposed rule.

48

49

50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

MR. LEE TITUS: Well, just for more -- what I'm trying to say is that I'd like to get more information and more public input, like you said, concerning the C&T based upon what their final data or -- I mean, after -- what I'm trying to say is after the public, everybody gets involved and they get all these extra findings, I'd like to have an opportunity to look them over myself and gather more information before I make a recommendation.

MR. GUSTAFSON: Mr. Chairman, can we just make a motion to say that we want more time to do that, before we're going to make a recommendation? I mean,....

MR. LEE TITUS: No, I think we can just kind of like leave it open and just....

MR. GUSTAFSON: Can we table it?

MR. LEE TITUS: Just leave it open and maybe plan for a special meeting sometime.

MR. CALLAWAY: Am I understanding you correctly, Mr. Chairman? You're suggesting that once we've gotten a lot of this additional comment and at the time we're planning to incorporate that into the final data document, that you'd like to have a meeting to make sure that the data, as presented, considers all the aspects and doesn't neglect certain particular issues or whatever? So, that you want to meet before it goes final or just after it goes final? It sounded to me like you want to meet just before it went final. Is that correct?

MR. LEE TITUS: Um-hum (affirmative).

MR. CALLAWAY: Okay. Then, I guess the production of the recommendations from that report is a separate phase. It is a separate phase.

MR. LEE TITUS: Um-hum (affirmative).

MR. CALLAWAY: Did you want to meet after the draft recommendations? After the staff committee drafts some recommendations?

MR. LEE TITUS: I'd like to -- that sounds -- that's what I was trying -- yeah, after the draft recommendations so I'd have an opportunity to make my comments for or against the board's recommendations. And that's a 45-day....

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

MR. CALLAWAY: Sixty. Oh, no, I'm sorry.

1  
2 MR. KNAUER: When the draft recommendations come out,  
they are essentially an internal document. You know, they're  
not part of the rule-making process yet.

5  
6 MR. LEE TITUS: Um-hum.

7  
8 MR. KNAUER: It's the -- when you get to the final, or  
the proposed rule phase, that you get into the 45- or 60-day  
comment period. And, certainly, this Council or anybody can  
comment then.

12  
13 MR. LEE TITUS: Okay.

14  
15 MR. KNAUER: I think it would probably behoove the  
Council to be involved before that, though. That's how the  
Southcentral Council wished to have it occur.

18  
19 MR. LEE TITUS: Um-hum.

20  
21  
22 MR. ROACH: Mr. Chair, what I'm looking at is the  
phases that we're going to be going through when we get started  
the process. Once this is done, this draft report, it's  
going to go to the staff committee. Or, once the final report  
done, it's going to go to the staff committee for the  
recommendation. Now, do we want to be involved before those  
recommendations are made or after those recommendations are  
made? If we waited till after the recommendations are made,  
the staff committee has already gone through another whole  
phase of the process and the only thing left is to make a  
proposed rule and pass it, if we wait till that time.

33  
34 MR. KNAUER: The green book that came out of the Kenai  
is not a staff committee recommendation. Okay? It has not yet  
gone to the staff committee. That is a, what I'll call a staff  
document. In other words, it has no blessing, no polishing,  
and so it is at the point where it is before the staff  
committee has debated and made their recommendations. But your  
point is very well taken.

41  
42 MR. JAMES: Mr. Chair, do we -- Bill, and Don, can we  
then describe this overall process as basically maybe four  
steps: that of data compilation and analysis as the first major  
phase which you are more or less in the middle of now or past  
the end of, but probably not; second of all would be to take  
that information and come up with some draft, well, it would be  
this, the equivalent of this whereas -- it's the proposed

49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

recommendations based on that data with a range of at least three different options. That's the second thing. The next step will be to go to the staff committee and the staff committee will decide whether they want -- whichever they want to support, they recommend it to the board and, then, of course, it goes to the board. So, it seems like the two earliest steps, the data collection -- now earlier and all afternoon in our discussions here, I heard a lot of concern expressed about that phase of the project. We weren't even talking about recommendations; we were talking about data collection, how accurate is it and how much more could be added, how many public meetings should there be, where should the public meetings be and that sort of thing. So, I got the sense that the Council wants to be involved in that, in one way or another. Maybe a working session would be required; maybe it can be handled with an informational thing such as a teleconference, or whatever.

17

18 It sounds to me like the train is already rolling out of the station. We've heard that there's plans for Tetlin Wildlife Refuge to be the lead agency on doing some of this stuff and there are other meetings. Well, there's the one with the Upper Tanana-Fortymile Advisory Committee. So, that process is in motion, it's started now, but, you know, still you've all expressed some real concern about that. So, I think that you want to do whatever is appropriate, you know, to maintain some influence with some input into that process.

27

28 Then, the next step after everybody is satisfied -- well, after enough people are satisfied and there's a final data report, as Don calls it, or something like that, that's going to be the stuff that the staff uses then to draw up a document like this. Now, we still haven't gotten to the staff committee. Now, I suspect, too, and I especially heard that from Jeff, that's especially the stage that he's concerned about, is to start influencing, you know, the process at that point. Now, I guess it's a question of whether you want to have a working session, be directly involved before this kind of a thing is put out or whether you want to do as the Southcentral Council did right after it was put out. But, you know, the critical thing is to get to it promptly before it goes to staff committee. You want to have a chance to be definitely hands-on before it gets to the staff committee and then you'd probably follow-up like Southcentral is doing and participate with the staff committee because you may, you know, come out with some of your own recommendations that might not otherwise show up in the document.

47

48 One thing the Council might want to consider is to have  
49  
50

#### R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

something in writing, not because we're worried about legalese type stuff here, but simply so that everybody's understanding is clear, something in writing from Janice Meldrum's team about what their public process is going to be now in working towards the final data report.

5  
6 MR. LEE TITUS: Um-hum.

7  
8 MR. JAMES: Just so that the understanding is clear because it's still not clear in my mind and I suspect the rest of you haven't grasped all the details, either. But that might be a starting point and then you would understand, you know, which communities are going to have....

13  
14 MR. LEE TITUS: Um-hum.

15  
16 MR. JAMES: ....another opportunity to participate.

17  
18 MR. LEE TITUS: Since all this here is new to -- the whole Council thing is all new to everybody and nobody really knows where the Council fits in during the flow of paperwork, I think this here is -- this whole issue is going to continue to pop up, you know, if we get a different -- same thing like this from a different region or not a different region, but a different -- like it might be Denali. They might do something like this for Denali, too, or they might do something like this for on the Yukon River.

27  
28 MR. PEARSON: I'm sure they will.

29  
30 MR. LEE TITUS: And, you know, we're just going to keep going through this stuff over and over and there should be some kind of a process where the Council knows, you know, where they can make their comments and not having to hold onto the end of a rope to wait for something to happen.

35  
36 MR. CALLAWAY: Mr. Chairman, I think it was part of our intent during this presentation today since a lot of it deals with process -- in other words, we didn't spend a whole lot of time; I just did two factors briefly. You know, it takes a whole lot of time to do all eight. But our concern is that we get your input now about the process and where you want to be, where the Council wants to have the input. So, I think I can safely say we haven't fixed anything in concrete in terms of this process and that, you know, we're open to your and responsive to your concerns, where you want to fit in. It sounds like you've mentioned at least two points, but it's kind of up to you how you want to handle it. We don't want to speak for you.

49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. LEE TITUS: I don't know, different people have  
 2 different opinions about when they want to -- I don't know how  
 3 everybody else feels, but I'd like to make my chance to make my  
 4 comments after the staff's recommendations and alternatives.  
 5 That way I'll have the staff recommendations and I'll have the  
 6 alternatives to look at in making my comments.

7  
 8 MR. PEARSON: Mr. Chairman, I also agree. That would  
 9 be, I think, the most appropriate time to review it. I mean,  
 10 that's the latest in the chain of events.

11  
 12 MR. GUSTAFSON: Mr. Chairman, we could make a  
 13 recommendation to whoever it is that after it comes out -- we  
 14 can make a motion that we review it before it goes to staff for  
 15 the final staff meeting. Would that be copacetic or....

16  
 17 MR. LEE TITUS: Okay.

18  
 19 MR. GUSTAFSON: Do you want to use a motion like that?

20  
 21 MR. LEE TITUS: What I understand is that the staff  
 22 will get together and make their representation with different  
 23 alternatives, right?

24  
 25 MR. KNAUER: (Nods head.)

26  
 27 MR. LEE TITUS: Okay. I'd like the opportunity for  
 28 this Council, when the staff gets all their paperwork in order  
 29 present to the board, I'd like this Council to be there when  
 30 they make that presentation.

31  
 32 MR. PEARSON: You mean rather, Lee, before their  
 33 presentation, be able to make a comment on it?

34  
 35 MR. LEE TITUS: Yeah. Or -- yeah, before that. Before  
 36 that.

37  
 38 MR. PEARSON: Before the Subsistence Board? Okay.

39  
 40 MR. LEE TITUS: Yeah, right in between the two.

41  
 42 MR. PEARSON: Mr. David James, can we do such a thing?

43  
 44 MR. JAMES: Sure, you can make a recommendation.  
 45 You'll have to run it by me again.

46  
 47 MR. ROACH: Okay. We're -- I'm a little bit confused.  
 48 Do we want to do it after we get a little green book like that

49  
 50

R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515



or do we want to do it after the staff makes their  
recommendations?

2

3 MR. KNAUER: You have to be sure you differentiate  
between the "staff" and the....

5

6 MR. ROACH: Because there are two terms we're....

7

8 MR. KNAUER: ...."staff committee."

9

10 MR. ROACH: There are two terms that we're talking  
about and....

12

13 MR. KNAUER: Right.

14

15 MR. ROACH: ....I think that I may not be the only one  
confused.

17

18 MR. PEARSON: How about making it the....

19

20 MR. ROACH: I hope I'm not the only one confused.

21

22 MR. PEARSON: Jeff, how about making it the last step  
before the Subsistence Board? That's what Lee's intention was,  
I believe.

25

26 MR. ROACH: If we make it....

27

28 MR. LEE TITUS: Um-hum (affirmative).

29

30 MR. ROACH: Excuse me. If we make it that late, all  
we're doing is going to be blessing an alternative. That's all  
we're going to be doing. That's my opinion. I think that if  
we wait till that point, all we're going to be doing is saying  
yes to an alternative or no.

35

36 MR. PEARSON: So, you'd like to see it the step before  
that....

38

39 MR. ROACH: I'd like to see it as soon as that comes  
out before it goes to the staff committee.

41

42 MR. GUSTAFSON: Correct.

43

44 MR. PEARSON: Correct. How about that, Lee?

45

46 MR. CALLAWAY: Actually, I thought that's what Lee  
said.

48

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

MR. LEE TITUS: Boy, you guys are talking about two different books. (Laughs.)

MR. CALLAWAY: As I understand what I think the consensus is, after we draft some recommendations but before it goes to the staff committee, the Council wants to have an opportunity to review....

MR. LEE TITUS: Right.

MR. CALLAWAY: ....those recommendations and to comment on it. And then perhaps have representation at the staff committee when the alternatives are considered by the staff committee.

MR. PEARSON: I second that motion.

(General laughter.)

MR. ROACH: I'll make that motion.

MR. GUSTAFSON: So, Mr. Chairman,....

MR. LEE TITUS: Okay. Yeah, what confused me was the two different -- the staff -- when you're talking about staff, you're talking about staff plus the staff committee, and that's where I got confused.

MR. JAMES: Excuse me, but I suggest we back up. If there's been confusion over that discussion, then that means that there's probably a lot of muddy water that we've been wading through here.

MR. PEARSON: No, we just -- yeah, it was between staff and staff committee as to where we'd comment on it. Correct?

MR. JAMES: Okay. Now, does everybody understand that it's the staff that's involved for the data collection, the data compilation, and the data analysis? That's the staff.

MR. PEARSON: Um-hum (affirmative).

MR. JAMES: That's these guys.

MR. PEARSON: And then the next step is staff committee, right?

MR. JAMES: No. No. It is not. The next step, the development of alternatives and options, is still staff work.

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. PEARSON: All right.

2

3 MR. JAMES: That's still by the grunts in the  
4 organization. Okay.

5

6 MR. CALLAWAY: And it's at that step....

7

8 MR. JAMES: The next step is the staff committee. The  
9 staff committee is made up with people like Mr. Pospahala and  
10 Tom Boyd, when he was here earlier today. Those guys are one  
11 step away from the board members.

12

13 MR. PEARSON: So, we want it in this staff draft form?

14

15 MR. CALLAWAY: That's right, and that's -- essentially,  
16 once the staff - not the staff committee, but the staff -  
17 drafts some....

18

19 MR. PEARSON: The staff, right.

20

21 MR. CALLAWAY: ....recommendations and provides that in  
22 hard copy to the Council, the Council wants to take at that  
23 point into consideration before -- into consideration,  
24 analysis, and review of that before that staff recommendation  
25 moves to the staff committee. Is that....

26

27 MR. PEARSON: So, basically, the motion should -- in  
28 the draft form is where we want to comment on it?

29

30 MR. CALLAWAY: (Nods head.)

31

32 MR. ROACH: Do you want to make it or do you want me  
33 to?

34

35 MR. PEARSON: No, go for it. But it's in the little  
36 green book.

37

38 MR. LEE TITUS: I don't think....

39

40 MR. GUSTAFSON: Could we do that with a meeting, too?

41

42 MR. PEARSON: We could do it on a teleconference deal  
43 if everybody was reviewing instead of maybe having the expense  
44 of having a special meeting, if we could do it on a  
45 teleconference if that was the only subject you had. I would  
46 think that surely in an hour or so we could knock it out.

47

48 MR. LEE TITUS: Run through this whole thing?

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 MR. ROACH: I don't think so.  
2  
3 MR. PEARSON: Maybe not.  
4  
5 MR. ROACH: I think you're being....  
6  
7 MR. PEARSON: Hopelessly....  
8  
9 MR. ROACH: You're being optimistic, Mike.  
10  
11 MR. LEE TITUS: I think at least it will take one whole  
12 day, probably evening, too. Probably.  
13  
14 MR. PEARSON: Well, anyhow that's when we want to  
15 review it, no matter how we do it. James, maybe I was hoping,  
16 thinking maybe we'd do it....  
17  
18 MR. GUSTAFSON: Well, it's pretty important. I mean,  
19 there's a lot of communities that....  
20  
21 MR. PEARSON: We're going to be looking at a whole lot  
22 more of them, too, so, yeah.  
23  
24 MR. LEE TITUS: Could we....  
25  
26 MR. PEARSON: It'll get easier with age.  
27  
28 MR. LEE TITUS: We can add that into the motion, too,  
29 -- as a guideline?  
30  
31 MR. CALLAWAY: Recommendation.  
32  
33 MR. LEE TITUS: Or like this Kenai thing, they have all  
34 this schedule for decision....  
35  
36 MR. PEARSON: Oh, their schedule.  
37  
38 MR. LEE TITUS: Schedule for decision-making, you know,  
39 and we can have our own thing like this because I know we're  
40 going to be doing more of this stuff in different areas. And  
41 since this is the first time we're doing this, we can have a  
42 place in the flow of things where the Council has an  
43 opportunity, instead of having to go over this over and over  
44 again whenever it comes up.  
45  
46 MR. PEARSON: Mr. Chairman, maybe I'd like to ask  
47 Mr. James, the coordinator, is this something that we might  
48 mention in the letter to the Secretary of Interior to have the  
49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

councils' input on these subsistence findings?

1

2 MR. JAMES: Mr. Chair, you're being given the  
3 opportunity to do that right now.

4

5 MR. PEARSON: Yeah, but....

6

7 MR. JAMES: You've been given the opportunity to set  
8 the mold on how to do it. That's what Janice and the others  
9 were asking earlier today. They were asking outright, point-  
10 blank, give us some guidelines on how you want us to take this  
11 to the public.

12

13 MR. PEARSON: Yeah. But, see, what I'm thinking,  
14 David, is their division may not be doing all these C&Ts. Like  
15 Forestry was going to be doing some of them and not all of the  
16 departments may feel that they need to get our input on it. I  
17 don't know if they are planning on it or not.

18

19 MR. JAMES: Well, yeah, it may well at some time in the  
20 future become a subject that you want to raise in the Annual  
21 Report; however, keep in mind that the chair of the board is  
22 probably going to have limited sympathy to addressing any  
23 subject that he feels the staff is adequately covering right  
24 now. And if I were the chair of the board, I would say that  
25 these guys are doing a darn good job of trying to involve the  
26 public and you guys right at this moment. So, as it stands  
27 right now, you know, it's a non-issue, but your point's well  
28 taken. At some point, if you feel that, you know, the process  
29 not going well and it needs more resources from higher up to  
30 help you out, certainly, you know, you might want to do that.

31

32 MR. PEARSON: All right.

33

34 MR. KNAUER: Mr. Chair, it is in regulation that the  
35 board will consult with the regional councils on the  
36 development of customary and traditional use determinations in  
37 the areas around the State.

38

39 MR. LEE TITUS: It didn't say how they were going to do  
40 that, though.

41

42 MR. KNAUER: That is correct. And so if it does become  
43 concern that they're not doing a good job, then it would be  
44 appropriate to point that out. But it is in regulation that  
45 they will do it; that they will consult with the councils.

46

47 MR. LEE TITUS: After we went through all that and you  
48 all us this?

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

1 General laughter.)

2

3 MR. PEARSON: Well, do we still need a motion that we'd  
4 like -- or a recommendation that we'd like to be able to review  
5 it while it's still in draft form, after just hearing that? Do  
6 you think that -- Bill, that that would be appropriate?

7

8 MR. KNAUER: I think it would be very appropriate  
9 because you're indicating, one, where you would like to be  
10 involved in the process and at that time you can also request a  
11 working session either face-to-face or by teleconference,  
12 whichever would be appropriate. It would be a special meeting  
13 that would be necessary. It would not be a public meeting, but  
14 it would be a special one. And so you've indicated your  
15 request there, so....

16

17 MR. GUSTAFSON: Mr. Chairman, so we would for this  
18 motion include all C&T determinations? Yeah.

19

20 MR. PEARSON: While in draft form.

21

22 MR. GUSTAFSON: That would cover everything. It  
23 wouldn't have to be this one.

24

25 MR. PEARSON: Yeah.

26

27 MR. GUSTAFSON: It'd be every one that comes up.

28

29 MR. PEARSON: Yeah, it's only a recommendation.

30

31 MR. LEE TITUS: Did you have a comment?

32

33 MR. ROACH: I was just going to go ahead and see if I  
34 could....

35

36 MR. PEARSON: Make the motion?

37

38 MR. ROACH: ....make the motion, yeah. I'd like to --  
39 Mr. Chair, I'd like to make the motion that the Regional  
40 Council be given an opportunity to give input to the C&T  
41 determination after draft alternatives are made by the staff  
42 before they go to the staff committee.

43

44 MR. PEARSON: I'll second that motion.

45

46 MR. LEE TITUS: The motion has been made and seconded.  
47 Any more on discussion?

48

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

1 MR. PEARSON: Do you think that -- Bill, or, Don, have  
2 we worded that correctly there on Jeff's motion?

3 MR. JAMES: Mr. Chair, nobody leaves this room until I  
4 get this thing down because this is a complicated one.

5  
6 MR. PEARSON: Do you think his motion, though, was  
7 appropriate?

8  
9 MR. CALLAWAY: I thought it was very specific.

10  
11 MR. JAMES: Let me take a stab at it. It's not the way  
12 you said it, but it sort of it. You recommend that the Council  
13 meet for a working session -- wait, excuse me. There is a  
14 motion to recommend that the Eastern Interior Council meet for  
15 a working session for the purpose of reviewing policy options  
16 and proposed conclusions on the Upper Tanana customary and  
17 traditional determination before it goes to the staff  
18 committee.

19  
20 MR. PEARSON: Did you want it specifically for this one  
21 here or before all C&T deals?

22  
23 MR. ROACH: I didn't want to limit it just to this one.

24  
25 MR. JAMES: Okay.

26  
27 MR. ROACH: I wanted to make it as part of the process.

28  
29 MR. JAMES: I know how to delete things with this  
30 machine.

31  
32 MR. ROACH: Good. We can delete, that's good. Other  
33 than that, I believe that was what we wanted to say.

34  
35 MR. LEE TITUS: You want to borrow my White-Out? Okay.  
36 It's understood, right?

37  
38 MR. PEARSON: Yeah, but maybe Bill better....

39  
40 MR. LEE TITUS: I think Bill wrote it backwards.

41  
42 MR. PEARSON: I mean, James.

43  
44 MR. LEE TITUS: David wrote it backwards.

45  
46 MR. JAMES: Council makes the recommendation to  
47 recommend that the Eastern Regional Council meet for a working  
48 session for the purpose of reviewing policy options and

49  
50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

proposed conclusions on customary and traditional  
~~d~~eterminations before they go to the staff committee.

2

3 MR. LEE TITUS: Yeah, that sounds....

4

5 MR. PEARSON: What? How did you put that? Before  
~~s~~taff committee? In draft form before staff committee?

7

8 MR. JAMES: For reviewing -- maybe this isn't what you  
~~w~~ant. Reviewing policy options and proposed conclusions on  
~~c~~ustomary and traditional determinations before they go to the  
~~s~~taff committee.

12

13 MR. PEARSON: What it was was draft form. While in  
~~d~~raft form before going to the staff committee. You're  
~~o~~nly....

16

17 MR. JAMES: "While in draft form" is the wording.

18

19 MR. PEARSON: Right. Before staff committee. The  
~~m~~otions are going to have to be a lot "sloooowwwer."

21

22 MR. JAMES: Determinations in draft form....

23

24 MR. CALLAWAY: After determinations are drafted by the  
~~s~~taff prior to their submission to the staff committee. Sorry.

26

27 MR. JAMES: Actually, I kind of like that. Would you  
~~s~~ay that again?

29

30 MR. CALLAWAY: After recommendations are drafted by the  
~~s~~taff and prior to their submission to the staff committee.

32

33 MR. PEARSON: That's a good fancy way of saying what we  
~~w~~ere trying to say. That's good. Now Jeff's going to have to  
~~a~~mend his motion to reflect what David James wrote.

36

37 MR. LEE TITUS: Are we ready to vote now or we're going  
~~t~~o get the final....

39

40 MR. PEARSON: Final draft.

41

42 MR. LEE TITUS: Final draft. Get the final draft of  
~~t~~he motion.

44

45 MR. PEARSON: Can we have law give us a determination  
~~o~~n the motion, please?

47

48 MR. JAMES: To recommend that the Council meet for a

49

50

# R & R COURT REPORTERS

810 N STREET  
 277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
 272-7515



working session for the purpose of reviewing draft policy options and proposed conclusions on customary and traditional determinations after they are drafted by the staff and before the recommendations go to the staff committee. It might be easier to start over at this point, but that's what I've got.

5

6 MR. PEARSON: No, that's fine. It's just a motion.

7

8 MR. ROACH: It didn't -- yeah, it didn't change what  
9....

10

11 MR. PEARSON: The intention.

12

13 MR. ROACH: ....said.

14

15 MR. PEARSON: Yeah.

16

17 MR. ROACH: The intent of what I said, so....

18

19 MR. JAMES: Okay.

20

21 MR. ROACH: ....I think that's fine.

22

23 MR. PEARSON: I'll call for the question, Mr. Chairman.

24

25 MR. LEE TITUS: The question's been called. All in  
26 favor of the motion, signify by saying aye.

27

28 ALL MEMBERS: Aye.

29

30 MR. LEE TITUS: Opposed? (Pause.)

31

32 MR. JAMES: For the record, Mr. Chair, who seconded  
33 that?

34

35 MR. PEARSON: I did.

36

37 MR. ROACH: Mike Pearson.

38

39 MR. LEE TITUS: Mike. Thank you.

40

41 MR. CALLAWAY: Thank you, Mr. Chairman. Thank you.

42

43 MR. PEARSON: Anybody have any public input now?

44

45 MR. LEE TITUS: Do we have any comments from the public  
46 at this time? Does any of the Council have any comments?  
47 Selina, your turn.

48

49

50

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

MS. PETRUSKA: No.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

MR. LEE TITUS: If not, we'll recess till 9 a.m.  
tomorrow morning.

MR. PEARSON: Sounds great.

(Off record; 8:15 o'clock p.m.)

\*\*\*\*\*  
**MEETING ADJOURNED**  
\*\*\*\*\*

R & R COURT REPORTERS

810 N STREET  
277-0572/Fax 274-8982

1007 WEST THIRD AVENUE  
272-7515

ANCHORAGE, ALASKA 99501

# C E R T I F I C A T E

UNITED STATES OF AMERICA )  
 ) ss.  
STATE OF ALASKA )

I, Elizabeth D'Amour, Notary Public in and for the State of Alaska, residing at Fairbanks, Alaska, and electronic reporter for R & R Court Reporters, do hereby certify:

That the annexed and foregoing EASTERN INTERIOR  
SUBSISTENCE REGIONAL ADVISORY COUNCIL HEARING was taken before  
me on the 3rd day of February, 1994, beginning at the hour of  
9:00 o'clock a.m., at the Regency Fairbanks Hotel, Ambassador  
Room, Fairbanks, Alaska;

That this hearing transcript, as heretofore annexed, is a true and correct transcription of said hearing, taken by me electronically and thereafter transcribed by me;

That the hearing transcript has been retained by me for the purpose of filing the same with U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska, as required by law.

That I am not a relative or employee or attorney or  
counsel of any of the parties, nor am I financially interested  
in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my seal this 11th day of February, 1994.

Notary Public in and for Alaska

My commission expires: 5/12/94

S E A L